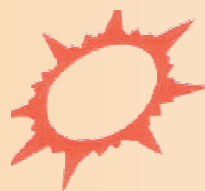


STATUS OF HUMAN RIGHTS IN RAJASTHAN



PAIRVI



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It is true that we may never be able to eliminate all social and economic injustices or to provide equality of opportunity to all people. But we certainly can take a few practical steps to make our society a little more compassionate, a little more humane.

Acknowledgement

This study is the culmination of the efforts of a number of individuals and organizations. We gratefully acknowledge the support and inspiration of all our partners and promoters who helped us to accomplish this report.

We express our heartfelt gratitude to all the members of the executive committee of Pairvi who encouraged us to embark upon this novel venture.

We also feel indebted to DCNC which extended us all the assistance in data collection and compilation of this report.

We gratefully acknowledge all the sources from which this report has been enriched. Though we have taken all efforts to make the report flawless, we take responsibility for any mistake appearing inadvertently.

Narender Kumar

Director
PAIRVI

PREFACE

This report is an analytical as well as categorical study of the status of Human Rights in the State of Rajasthan. It could also be said to be an eye opener to the government as well as the State Human Rights Commission as to the deteriorating conditions of the Human Rights in the State.

The report focuses broadly on the Civil & Political Rights and Economic, Social & Cultural Rights based on both primary and secondary data analysis and case studies. Emphasis is also given to Women, Children, and Tribal and Dalits issues of the concerned State.

It is a sequel to the previous attempt made to study the human rights state in Northern India. This report is being initialized in the four States of the country namely, Uttaranchal, Rajasthan, Bihar and Chhattisgarh. The report is from a socio-legal perspective and beyond an oratory account. This document is based on the available data and thus some shortcomings are inevitable. This attempt nevertheless hopes to be a learning and constructive experience, which would further serve as a base for future work in the respective States.

We would be overwhelmed to receive suggestions or advice on the report.

Narinder Verma
Chairperson
DCNC

Narendra Kumar
Director
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EXECUTIVE SUMMARY

The "Status of Human Rights in Rajasthan" is a suggestive study which attempts to profile the major human rights concerns in the State. The study is an exploratory research in the sense that it is the first attempt to gauge the civil and political, and economic, social and cultural rights along with the rights of the marginalized. The urgency of the concern overwhelmed over the appropriateness of the methodology adopted and hence though not very scientific, the study seeks to engender further debate and research on human rights conditions in the State. The objective is to provide a context and departure point to the various campaigns concerning human rights including attempts for improvement in the human rights institutions in the State. The study is largely based on secondary data from the official and non-government sources, as the constraints of time and resources made collection of primary data non-feasible.

The report suggests that the rights of the girl child as the strongly entrenched preference for the male child, lack of ownership and participation in the decision making for women, widespread discrimination against the dalits and Scheduled tribes, lack of potable water and perennial drought conditions are the major areas of concern in the State. It has been an accepted fact that the State Human Rights Commission has not been able to fulfill the expectations of people in terms of protecting and promoting human rights and increasing awareness thereon. The custodial deaths have also attracted the attention of the NHRC and have been a major cause of concern in the area of civil and political rights. The major findings of the report can be summarized as the follows:

CIVIL AND POLITICAL RIGHTS

- Rajasthan figures in the top six States in terms of complaints received at the NHRC as per the Annual Report of 2002-03
- According to National Crime Records Bureau (NCRB) figures for 1998 issued by the Ministry of Home Affairs, Rajasthan ranked fourth in the ratings of recorded crimes against women
- Rajasthan has been on the apex of the list of States topping the chart of atrocities on dalits by the upper castes.
- P. Sainath, after researching the situation of *dalits* in Rajasthan, reported that on an average a *dalit* woman is raped every sixty hours and that one *dalit* is murdered every nine days.
- In 2005, 0.27% IPC crimes and 0.06% Special & Local Laws crimes were reported on an average. In one minute in the State. 97.54 percent IPC cases were investigated and 82.21 percent of them were charge sheeted.
- In Rajasthan on an average 3 women are raped and 4 murders are committed daily.
- Though the complaints received at the NHRC and SHRC have been showing a decreasing trend, however, it also brings the role of NHRC and SHRC under scanner. The SHRC has reportedly only received 34 cases in the year 2005.

RIGHTS OF THE MARGINALIZED

RIGHTS OF WOMEN

- Dowry crimes and dowry deaths continue unchecked. Traditional biases against women flourish which is evident in the accusations of witchcraft and subsequent attacks on single and widowed women who own land or other resources. Female foeticide claimed innumerable lives of unborn females. Domestic violence has figured prominently and so has caste violence.
- Trafficking of women for prostitution has emerged as one of the major areas requiring urgent attention. 17% women in Delhi brothels belong to Rajasthan and 27 out of 32 districts in the State are identified as intensive brothel based and unorganized commercial sexual activity hubs. These also involve a number of denotified criminal tribes who did not have any opportunity of employment and carry on prostitution as their source of sustenance
- As per the statistics provided by the National Commission of Women in 2004, 400 Women suffered rights violations every day in Rajasthan. As per the CBI, Rajasthan is among the top seven States where maximum number of rape cases are registered. Rajasthan accounts for 8 % of the total crimes against women that take place in the country. NCW statistics also claim that 70% of the child marriages happening in the country are reported from Rajasthan. According to a report by the National Crimes Research Bureau (NCRB), Rajasthan makes it to the third spot regarding incidents of atrocities against women and second for atrocities on women from scheduled castes and scheduled tribes.
- Every year 50 thousand female foetuses are destroyed in Rajasthan and nearly the same number of women are subjected to near fatal experiences, as most of these abortions are carried out under unsafe and unhygienic conditions.

TRIBALS RIGHTS

- Since 2004 thousands of tribal dwellers on forestlands in southern Rajasthan are facing the threat of eviction, following notices by the State government's forest department. In fact the forest officials even allegedly destroyed the houses and ravaged tribals' belongings without due process of law
- According to a study carried out in Baran Udaipur and Dungarpur district, there have been a series of malnutrition deaths
- In 2004 a Supreme Court commissioner's team concluded that the tribals were living in a situation of hunger and starvation. As per the report of the team a large proportion of the Sahariya population was at a high risk of mortality because of chronic malnutrition and hunger. Using a Body Mass Index, the survey conducted by the team in Sahariya villages found 100% boys and 93% girls at a high risk of mortality.
- As per the Rajasthan State Human Rights Commission, the State is a topper in committing dalits' human rights violations. The commission strongly believes that in spite of the presence of strong laws against untouchability and human rights violations, the condition of Dalits is the worst in Rajasthan
- The dalits are also devoid of the social security measures being provided by the State. Less than 25 per cent of the grain meant for the poor actually gets to them

CHILD RIGHTS

- The number of working children in Rajasthan is the second highest in the country.
- In the flourishing gems industry in and around Jaipur city, 30% of the workforce comprises of children below 14 years.
- In the carpet industry of the State child labor is a widespread practice.
- According to official sources 10% of the children in the 10-14 years age group is employed.
- Child marriage is a common practice in the State and 30 per cent of the girls in Rajasthan get married at the age of 13 and 50 per cent are mothers by the time they turn 15. In rural areas, 43.1 per cent girls in the age group of 15 to 19 are married & the average age of marriage in rural areas 14.6 years.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- 15% population in Rajasthan is below poverty line according to the government of Rajasthan. However, according to other sources at least 15 million people in the State are living below poverty line.
- Rajasthan occupies the fourth rank after Uttar Pradesh, Haryana and Punjab in terms of the number of bonded labourers. The number of bonded labourers in Rajasthan today stands at a whopping 5 lakhs approximately (Source Rajasthan Patrika, 4th march 2005). The foremost reason behind people being caught in the trap is poverty; nearly 95 per cent of these labourers are Dalits and tribals.
- In the year 2005, 13 lakh 2027 deliveries took place in Rajasthan out of which 773 women delivering the babies died. Till today 70% of the deliveries in the rural Rajasthan takes place at home under grossly inadequate medical attention and unhygienic conditions
- Although 88 per cent of all dwellings in the State have been provided with access to a source of drinking water, 25 per cent of the population is exposed to high levels of fluorides, nitrates and salinity in drinking water.
- Rajasthan also recorded the highest maternal mortality ratio, the third highest total fertility rate and the fourth highest infant mortality rate among the major States in India in 2001.
- According to the National Family Health Survey (1998-1999), the IMR in Rajasthan is 83, The IMR of children belonging to Scheduled Castes and Scheduled Tribes is 98.4 and 95 respectively compared to an IMR of 81 for children belonging to other castes.
- In terms of education, female literacy rates are pathetic and more than half of the females are illiterate.

ABBREVIATIONS

BMI	Body Mass Index
BPL	Below Poverty Line
CAG	Comptroller and Auditor General
CHIP Study	Childhood Poverty Study
DPSP	Directive Principles of State Policy
ESC RIGHTS	Economic Social & Cultural Rights
GDP	Gross Domestic Product
GoR	Government of Rajasthan
ILO	International Labour Organization
IPC	Indian Penal Code
ITPA	Immoral Trafficking Protection Act
ICFTU	International Confederation of Free Trade Unions
JJ Act	Juvenile Justice Act
MLPC	Mine Labour Protection Campaign
NACO	National AIDS Control Organization
NCRB	National Crimes Research Bureau
NDPS Act	National Drugs and Psychotropic Substances Act
NFHS	National Family Health Survey
NGO	Non Government Organization
NHRC	National Human Rights Commission
NRA	National Rural Employment Guarantee Act
PDS	Public Distribution System
PHED	Public Health Engineering Department
PUCL	People's Union for Civil Liberties
RSHRC	Rajasthan State Human Rights Commission
TSP Areas	Tribal Sub-Plan Areas
SHRC	State Human Rights Commission
UDHR	Universal Declaration of Human Rights

Chapter 1

HUMAN RIGHTS: CONCEPT AND CHARACTERISTICS

By human rights we mean the rights that belong to all humans equally. Today we consider as human rights mainly those rights that are protected by universal or regional human rights conventions. Human rights conventions are legally binding international treaties between States. In the conventions the States commit themselves to guaranteeing certain rights both to their own citizens and to other people residing in their territory.

Human rights are often characterized as universal, inalienable and fundamental. The universality of human rights has two meanings. On the one hand, the universality of human rights prohibits discrimination on the grounds of sex, colour, social status or other similar characteristic. This is why the prohibition of discrimination is included in the Universal Declaration of Human Rights (Article 2) and in almost all other international human rights conventions. On the other hand, the universality of human rights refers to the global applicability of human rights. Human Rights are common to all people in all continents irrespective of cultural or economic differences.

The inalienability of human rights reflects the idea of natural individual rights that precede the State's authority. Each individual has human rights on the basis of his/her humanity. Therefore these rights can no more be taken away from him/her by a decision of the authorities than by his/her own consent. The inalienability of human rights also means that a person can not legally give over his/her human rights by selling himself/herself as a slave. Human rights are often described as the inherent rights of every individual.

The third characteristic of human rights, the fact that they are considered as fundamental, means that only the most important rights should be called human rights. Articles 1 to 28 of the Universal Declaration of Human Rights contain a list of the rights and freedoms that were considered important enough in 1948. Later developments in human rights documents have slightly broadened this list, but not to a significant degree. Some parts of the Declaration protect such rights and freedoms that have since proved difficult when adopting binding intergovernmental conventions. A refugee's right to seek and enjoy asylum, the right to a nationality and the protection of property are examples of such rights.

HUMAN RIGHTS IN INDIA

In spite of the fact that most of the human rights found clear expression in the Constitution of India, the independent Indian State carried forward many colonial tendencies and power structures, including those embedded in the elite Indian Civil Service. The casteist, feudal and communal characteristics of the Indian polity, coupled with a colonial bureaucracy, weighed against and dampened the spirit of

freedom, rights and affirmative action enshrined in the Constitution.

In India's post-colonial democracy, the secular nation-building agenda still remains unfinished which seriously impinges on the rights of citizens, both as individuals and as members of the myriad 'minority groups'. These shifting identities have spawned ever new minority and majority groups which are mostly shaped, temporally and spatially, by the political process rather than through individual choice of the citizen. Dalits, tribals, and the hill-people, along with women, elderly people, and children are among the more abiding of the disadvantaged group-identities, more visible within the arena of electoral politics, than at the centre stage of political democracy in the context of its central concern around citizen's rights.

The contemporary universal concerns had their influence on the deliberations of India's constituent assembly, and also thereafter. But the domestic social base of the constituent assembly, representing roughly 35 per cent of the Indian population-based on property and educational qualifications, and the Congress Party ideology, influenced the final outcome of its deliberation on citizen's rights. A critical distinction was made in India's republican constitution between the first generation of human rights consisting of civil and political rights which were included in the enforceable part of its Fundamental Rights (part III) chapter, while most of the second generation of economic and social rights were restricted within the non-justiceable part of the Constitution in the chapter on Directive Principles of State Policy (part IV). Together, they constitute, what are called democratic rights in the present human rights discourse in India.

The operational salience of universal normative concerns has varied within the different sovereign States of the global system, largely shaped by the level of democratic consciousness within their respective domestic social and political base. For example, India signed the UN Covenant on Civil and Political Rights (1966), paradoxically only in 1976, in the midst of the national emergency which denied the citizens their civil and political rights enshrined in the constitution. In fact, the civil and democratic rights movement in India, as an autonomous watchdog of citizens' constitutionally guaranteed fundamental rights also began in 1976.

Through the cold war era, when human rights issues were enmeshed in the superpowers' global gamesmanship, particularly within the western strategy, the signatories to the UN covenant on civil and political rights also included many client-states of the western military alliances in the 'third world' which were ruled by varying versions of repressive, oligarchical, and military regimes. Even in the case of non-

aligned India, while the UN covenant was adopted by the general assembly in 1966 after Indra Gandhi had emerged as prime minister of the country, her regime opted to sign it only 10 years later in the midst of the national emergency. This suggests that it was meant more to assuage western criticism of her emergency politics than in response to her domestic critics, most of whom were in prison, their freedom of expression restricted, and the press remained censored. At any rate, the civil rights movement in India, at its origin in 1976, was too weak and defensive to constitute any serious domestic pressure-group on the emergency-regime to sign the International Covenant.

Consequently, in terms of causal linkage, while the civil rights movements in India was spawned by the domestic excesses of the emergency regime, as we would argue, the signing of the international covenant by the non-aligned Indian State, appears to be causally related to the regime's response to its liberal critics in the western democracies, in tandem with similar response of client regimes of the western alliance in the cold war era. But the parliamentary ratification of the UN covenant by the subsequent coalition regime of the Janata Party in 1979 underscores the useful catalytic role of international monitoring on such issues, as well as their salience within the post-emergency political discourse in India, even before India's formal economic globalisation through liberalisation and structural adjustment in 1991. Soon thereafter, the Human Rights Bill was introduced in the Indian parliament, creating the National Human Rights Commission in 1993. This opened new options for the fledgling movement.

For a start, political democracy in India ushered by its republican constitution, enshrining the fundamental rights of citizens, and universal adult franchise, emerged from the struggle for national liberation against alien colonial rule rather than the assertion of the rights of citizens against an entrenched indigenous ancient regime. The mainstream intellectual and political discourse of the liberation struggle had its central focus around the nation as a community, initially against colonial rule, and later also against contesting groups like Muslims, Sikhs, dalits and tribals as communities claiming nationhood. This is in sharp contrast to the origin of liberal democracy in the western autocracies with its central focus around individual liberty. The concern for 'group rights', in western liberal democracy is of relatively recent origin, long after individual rights, as the essence of democratic governance, have been legitimised and operationally institutionalised.

The inadequate concern for the rights of individuals has manifested itself in many ways through the liberation struggle. Gandhiji's emphasis on the 'village community', rather than the individual citizens, as the basic unit of Indian democracy also underscores the point. In fact, civil liberties of individuals, within the concerns of India's liberation struggle, manifested itself as late as in the 1930s when Nehru started the Civil Liberties Union to provide legal aid to the freedom fighters accused of treason.

Notwithstanding the liberal inspiration of the founding fathers, the historical origin of the constitutional assembly, and its limited social base, constricted its deliberations from the inception on most issues, including fundamental rights. Some of the structural contradictions of the era of the all-class struggle for national liberation manifested themselves even within the constitution-making process, also on the issue of fundamental rights. For example, demands to make the provisions of the directive principles enforceable and justiciable were rejected; so were demands to include 'rights of workers', 'right to employment', and the provision for a 'secular, federal, socialist state' within the enforceable chapter on fundamental rights. The home ministry bureaucrats objected to the provision for an 'advisory board' on the exercise of executive power of preventive detention carried forward from the colonial era. The drafting committee prescribed circumstances to legitimise prolonged preventive detention. Predictably, the right to property evoked the most intense debate, with most members favouring judicial sanction to it.

But even on the final outcome of the proceedings codified in the constitution as fundamental rights, the lone communist member of the constituent assembly, Somnath Lahiry said: "These are fundamental rights from a police constable's point of view...none of the existing provisions (of colonial rule) of the power of executive have been done away with" [Desai 1986]. According to socialist leader, Jayaprakash Narayan, "The Indian Constitution is not likely to be, unless drastically amended, an instrument of full political and social democracy". In later years of its operation it drew even sharper criticism. According to a distinguished sociologist, "The Constitution has clothed almost all the rights in the part III, embodying fundamental rights, in such phraseology that they are susceptible to diverse and contradictory interpretation. They are capable of being non-functional in the larger context of arrangements provided in other parts of the Constitution itself" [Desai 1986]. According to a legal view, "the inclusion of parallel 'preventive detention system', embodied in the constitution itself has created a situation wherein it negates all rights provided in the preamble and part III and IV of the Constitution" [Mukhoty 1986].

Specific trajectories of human rights discourse in the Indian context include -- Civil and Political Rights, & Economic, Social and Cultural Rights. Though both of these trajectories are interconnected, they were promoted by different sets of actors (often with varying ideological affiliations) at different points in time. There has always been tension and lack of mutual appreciation between those who promoted civil liberties and the left-oriented groups who worked towards the structural transformation of socio-economic conditions and consequently of the State.

Civil and Political Rights

The growing disenchantment with the Indian State that was expressed in various movements and political formations in the late-'60s and early-'70s was not tolerated by the Indira Gandhi's regime. It is in this context that the movement for

civil liberties led by liberal middle class intellectuals and activists became relevant. Organisations like the People's Union for Civil Liberties (PUCL) played a significant role in initiating and promoting a new discourse on civil liberties

In the last 20 years, the movement for civil and political rights has become much more coherent and widespread. It has grown beyond a set of urban middle class liberal intellectuals to a wide and diverse socio-political base. With the increase of insurgencies in the 1980s and the consequent State suppression of separatist movements in different parts of the country, various kinds of human rights organisations -- some genuine and some as facade for underground groups -- began to appear. The massacre of the Sikh community following the assassination of Mrs Gandhi in 1984 raised serious questions about the role of the State in protecting the fundamental rights of citizens.

The rise of right-wing Hindu 'nationalist' forces, the biased stand of the State machinery, and the consequent communal violence all over the country in the last 15 years have given rise to a different set of actors who stress on the civil and political rights of the minorities. The complicity of the State in abetting and supporting the planned violence against the Muslim community in Gujarat in 2002, where more than 1,500 people were killed and hundreds of homes and shops destroyed and looted, brought out the contradictions inherent in the Indian polity and State. But the rise of the fanatical and right-wing forces and their anti-human rights postures have, in a way, strengthened the human rights movements & helped to bring together human rights activists across the political spectrum.

Economic, Social and Cultural Rights

The explicit focus on Economic, Social and Cultural (ESC) Rights is relatively new compared to civil and political rights. The emergence of ESC rights in the mainstream development agenda is in consonance with the emergence of more institutionalised and funded initiatives for poverty eradication and social development. In the initial years, many such initiatives and institutions (commonly termed non-government organisations or NGOs) began with a welfarist approach, trying to supplement or substitute the Welfare State. However, over a period of time there has been a widespread realisation of the limitations of micro-level development intervention and poverty eradication programmes that do not question the politics and policy frameworks that perpetuate deprivation. Most of the welfare/development NGOs, with foreign funding support, became either subcontractors of the dominant development models or well-meaning do-gooders who addressed the symptoms of poverty and not the socio-political conditions and structural inequalities that perpetuate poverty. It is in this

context that the need to bridge the micro-level action and macro-level political and policy arenas became relevant. As a result, a number of grass root action groups and mass movements working with women, Dalits, Adivasis and the landless poor began to draw from the fundamental rights and directive principles of the Indian Constitution to pressurise and persuade the State to meet its obligation to fulfill ESC rights.

An activist judiciary has also served to expand the scope of fundamental rights to incorporate economic and social rights as well. Progressive and creative judicial intervention expanded the scope of Article 21 of the Indian Constitution which guarantees the Right to Life. These progressive judicial pronouncements were in many ways a response to the social action groups and movements that sought judicial intervention to persuade and pressurise the government to protect and fulfill the rights of the most marginalised. Thus the emergence of ESC rights is the result of advocacy efforts by grassroots action groups and NGOs in India.

The series of World Summits, starting with the Vienna Summit on Human Rights in 1993, helped to bring ESC rights onto the agenda of many international development organisations. This in turn also resulted in many of the specialised groups organizing campaigns to promote specific rights. This includes the campaign for the fundamental right to education, which resulted in the 86th amendment to the Constitution, guaranteeing the fundamental right to education. There have been similar campaigns for the rights of self-employed women and unorganised workers, the right to universal healthcare and a number of other campaigns focusing on economic and social rights.

The emergence of the environmental and consumer movements in the 1980s paved the way for a series of new legislations and policy interventions to protect the rights of consumers and people. The resurgence of the Adivasi (tribal) movement and the increased marginalisation of the minority communities by the right-wing Hindu nationalist government have brought cultural rights into public debate and policy discourse.

Eventually one can say that if human rights are to have real meaning, they must be linked to public participation. And participation must be preceded by empowerment of the people. A sense of empowerment requires a sense of dignity, self-worth and the ability to ask questions. The sense of empowerment along with a sense of legal entitlements and constitutional guarantees gives rise to a political consciousness based on rights. A process of political empowerment and a sense of rights empowers citizens to participate in the public sphere.

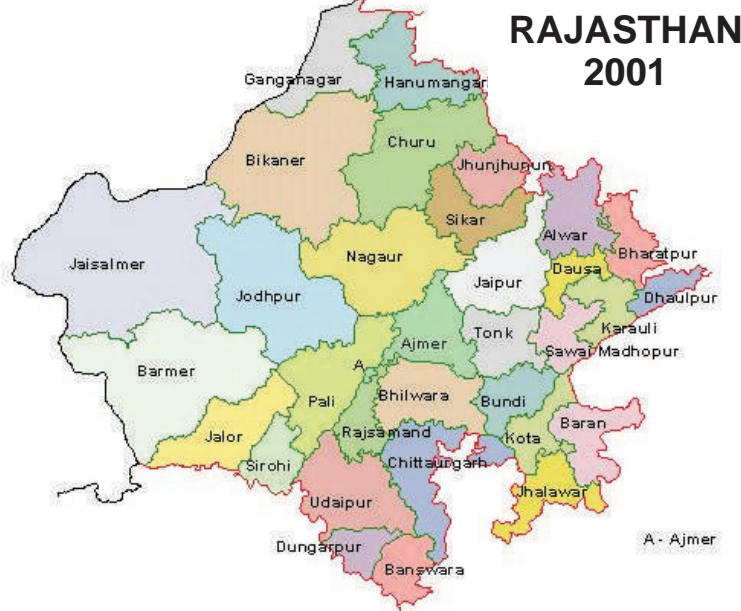
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Chapter 2

RAJASTHAN THE STATE

Rajasthan, with a geographical area of 3, 42,239 square kilometers, is India's largest State. The state has an area of 132,140 square miles (342,239 square kilometres). The capital city is Jaipur. In the west, Rajasthan is relatively dry and infertile; this area includes some of the Thar Desert, also known as the Great Indian Desert. In the southwestern part of the state, the land is wetter, hilly, and more fertile. The climate varies throughout Rajasthan. On average winter temperatures range from 8° to 28° C (46° to 82° F) and summer temperatures range from 25° to 46° C (77° to 115° F). Average rainfall also varies; the western deserts accumulate about 100 mm (about 4 in) annually, while the southeastern part of the State receives 650 mm (26 in) annually, most of which falls from July through September during the monsoon season. Rajasthan has a single-chamber legislative assembly with 200 seats. The State sends 25 members to the Indian national parliament: 10 to the Rajya Sabha

Rajasthan, divided into 32 administrative districts, has one of the highest proportions of Scheduled Castes, and a high proportion of Scheduled Tribes too. The caste composition is distinctive and relations between castes, as well as networks and local understandings, have been built over generations. There is a clear division between the 'upper' and 'lower' castes, with upper castes usually being the more economically and socially powerful groups in the local hierarchy. They mediate between the poor and the State and also exercise influence in social affairs at the local level. Its diverse geographical terrain is home to many economic occupations from the prosperous "green revolution" peasantry in Ganganagar to the subsistence farmers in Dholpur. Small artisans engaged in traditional crafts as well as the trading empires of the Marwari community exist alongside nomadic herders of sheep and camel and wealthy dairy producers.



The 2001 Census records the population of Rajasthan as over 56 million, representing a decadal growth rate of 28.33 per cent, with a density of 165 persons per square kilometer. The sex ratio (i.e., the number of females per thousand males) in the State has improved from 910 in the previous census to 922 in the current census. The literacy rate in the State has shown a remarkable improvement. The literacy rate has increased to 61.03% when compared to 38.55% ten years back during the 1991 Census.

Capital	Jaipur
• Coordinates	• 26.90° N 75.80° E
Largest city	Jaipur
Population (2001)	56,473,122 (8th)
• Density	• 165/km ²
Area	342,236 km ² (1st)
• Districts	• 32
Time zone	IST (UTC +5:30)
Establishment	1956-11-01
• Governor	• Pratibha Patil
• Chief Minister	• Vasundhara Raje Scindia
• Legislature (seats)	• Unicameral (200)
Official language(s)	Hindi, Rajasthani

Chapter 3

OVERVIEW OF HUMAN RIGHTS IN RAJASTHAN

The picture of the human rights situation has been far from satisfactory in Rajasthan in the past 4 to 5 years. There were sustained attacks on groups of collectives. The worst affected were the dalits, tribals & women. In several instances the government even justified most of those atrocities in the name of caste, religion or culture. What should alarm us the most is the increasing incidence of violence against women: rape, trafficking of women and girl children, dowry deaths not to mention female foeticide and infanticide. Levels of violent crimes against women in Rajasthan are extremely high. According to National Crime Records Bureau (NCRB) figures for 1998 issued by the Ministry of Home Affairs, Rajasthan ranked fourth in the ratings of recorded crimes against women. These include rape, kidnapping, dowry death, mental and physical "torture", molestation, sexual harassment and trafficking. According to Rajasthan government statistics, crimes against women in the year 1999 reported an increase of 6.7% over the year 1998. In particular "torture" (which they categorise as crimes under section 498A of the Indian Penal Code (10) (IPC)) registered an increase of 9.66% and "molestation" (crimes of sexual violence not amounting to rape) an increase of 6.91% although rape registered a decrease of 5.37%. Well-known journalist P. Sainath, after researching the situation of *dalits* in Rajasthan, reported that on an average a *dalit* woman is raped every sixty hours and that one *dalit* is murdered every nine days. Apart from gender-based violence, there were custodial deaths and atrocities on persons convicted.

Rajasthan is on the apex of the list of States topping the chart of atrocities on dalits. And the tribals have been further socially and economically alienated by the Rajasthan government's policies. It is quite important for the government and the SHRC of Rajasthan to understand that basically the Dalit's and tribals' struggle is a struggle for human rights and human dignity and those societal wrongs are deep-seated. They must also realize that human rights of dalits and tribals can be ensured only in a non-caste, non-hierarchical society. Values and respect for fellow human beings cannot be legislated, but the State government and the Commission has the mandate to put the issue in a proper perspective. This government and SHRC of Rajasthan can achieve the above if they take a stand on the root cause- "the hierarchical system". Regrettably it has not taken a stand on the issue, nor is there any indication that it will do so. Nobody suggests that this dreadful remnant of the past can be buried overnight, but what is important is that the human rights and civil liberties groups and institutions like Rajasthan SHRC must make their stand known to the public.

The new Millennium brought no hope for the minorities in Rajasthan. In fact the recently presented *Anti-Religious*

conversion bill is a testimony of that. While understanding the nuances of human rights violations of minorities in Rajasthan or for that matter in India as a whole, one must take note of the fact that a sizeable number of practitioners of minority religions trace their lineage to scheduled castes and schedule tribes. For many the identity and status of minority is also a search for human dignity and equality. In this search, the SCs & STs, like in the past even today, opt for egalitarian religions. Such incidents are on the increase and reported in the media on a regular basis. These incidents also invite diverse reactions and larger violations of human rights. Forces aiming to maintain status quo and opposed to equality, human dignity and social justice have been involved in violations of human rights of minorities in large scale when compared to the earlier period. The targets of such attacks and human rights violations have been community resources, community service centers such as educational, health care and personnel involved in social service.

HUMAN DEVELOPMENT INDEX OF THE STATE

The growth plan of the State, based on reforms seeking an improvement of the basic indices of human development, namely education, health, poverty alleviation and income, has faced major constraints such as:

- **High unit cost of basic services as more than 60 per cent of the total area is desert with sparse population distribution.**
- **Dependence of agriculture on rainfall for irrigation and severe drought.**
- **High population growth rate that outpaces employment generation.**
- **Lack of potable water for human and livestock consumption.**
- **Low literacy levels, specifically for girls.**
- **Poor social and economic infrastructure.**

Most of the districts in Rajasthan have low HDI values. Ganganagar stands at the top of the table while the desert districts of Barmer, Jalore and Dungarpur are at the lower end. Despite intra-district variations being not significant, development programmes have not met with uniform success. Renewed commitment of human and financial resources is required to improve the status of human development in the whole State. The gender development index illustrates the persistence of gender inequalities in the State.

Table 1 : Human Development Index for Rajasthan

Districts	Education					Health		Income				Index
	Literacy Rate (%)	Literacy	Children's Enrollment In Schools (%)	Education HDI	Life Expectancy IOD	Health HDI	Adjustment Per capita Income DI	Poverty Rate (%)	Poverty	Income HDI	Income HDI	
Ganganagar	41.8	0.418	61.7	0.291	0.376	70.1	0.752	0.818	8.8	0.912	0.842	0.656
Hanumangarh	41.8	0.418	51.5	0.239	0.358	70.1	0.752	0.818	16.5	0.835	0.822	0.644
Kota	55.2	0.552	90.0	0.242	0.449	64.1	0.652	0.750	29.6	0.704	0.739	0.613
Jaipur	50.4	0.504	66.8	0.243	0.417	66.2	0.687	0.685	18.7	0.813	0.717	0.607
Alwar	43.1	0.431	74.0	0.303	0.388	63.2	0.637	0.714	13.7	0.863	0.751	0.592
Bikaner	41.7	0.417	56.1	0.180	0.338	68.8	0.730	0.659	14.4	0.856	0.708	0.592
Jhunjhunu	47.6	0.476	77.6	0.272	0.408	68.9	0.732	0.585	24.8	0.752	0.627	0.589
Karauli	36.3	0.363	67.2	0.494	0.407	62.6	0.627	0.661	10.3	0.897	0.720	0.584
Sawai Madhopur	36.3	0.363	71.3	0.494	0.407	62.6	0.627	0.661	11.8	0.882	0.716	0.583
Ajmer	52.3	0.523	86.8	0.222	0.423	62.6	0.627	0.659	19.7	0.803	0.695	0.581
Baran	36.8	0.368	74.3	0.236	0.324	64.1	0.652	0.775	29.0	0.710	0.758	0.578
Dausa	36.9	0.369	100.0	0.288	0.342	66.2	0.687	0.638	14.4	0.856	0.692	0.574
Jodhpur	40.7	0.407	73.0	0.228	0.347	65.8	0.680	0.628	18.8	0.812	0.674	0.567
Sikar	42.5	0.425	70.8	0.232	0.361	68.4	0.723	0.540	22.1	0.779	0.600	0.561
Bharatpur	43.0	0.430	68.6	0.253	0.371	63.0	0.633	0.627	16.9	0.831	0.678	0.561
Bundi	32.7	0.327	64.4	0.235	0.297	62.1	0.618	0.728	28.0	0.720	0.726	0.547
Nagaur	31.8	0.318	58.7	0.204	0.280	64.9	0.665	0.639	16.5	0.835	0.688	0.544
Churu	34.8	0.348	67.0	0.208	0.301	66.8	0.697	0.558	22.0	0.780	0.614	0.537
Pali	36.0	0.360	67.3	0.256	0.325	58.8	0.563	0.665	17.4	0.826	0.706	0.531
Tonk	33.7	0.337	74.2	0.233	0.302	59.2	0.570	0.680	15.6	0.844	0.721	0.531
Chittorgarh	34.3	0.343	63.6	0.213	0.299	57.5	0.542	0.744	27.0	0.730	0.741	0.527
Rajsamand	33.1	0.331	74.7	0.231	0.298	59.1	0.568	0.706	27.0	0.730	0.712	0.526
Sirohi	31.9	0.319	74.5	0.198	0.279	59.2	0.570	0.670	16.5	0.835	0.711	0.520
Jaisalmer	30.1	0.301	66.1	0.182	0.261	64.0	0.650	0.595	21.9	0.781	0.641	0.517
Bhilwara	31.7	0.317	58.3	0.219	0.284	59.1	0.568	0.658	18.1	0.819	0.698	0.517
Jhalwar	32.9	0.329	64.1	0.200	0.286	61.2	0.603	0.643	35.0	0.650	0.645	0.511
Udaipur	34.9	0.349	62.1	0.171	0.290	59.1	0.568	0.632	29.1	0.709	0.652	0.503
Dholpur	35.1	0.351	66.1	0.215	0.306	58.8	0.563	0.580	18.4	0.816	0.639	0.503
Jalaur	23.8	0.238	45.2	0.182	0.219	61.3	0.605	0.616	14.2	0.858	0.676	0.500
Banswara	26.0	0.260	63.3	0.172	0.231	57.9	0.548	0.609	27.5	0.725	0.638	0.472
Barmer	23.0	0.230	46.8	0.165	0.208	60.7	0.595	0.522	24.2	0.758	0.581	0.461
Dungarpur	30.6	0.306	70.2	0.211	0.274	58.8	0.563	0.513	41.9	0.581	0.530	0.456

(Source: Rajasthan human development report 2002)

RAJASTHAN STATE HUMAN RIGHTS COMMISSION

In exercise of the powers conferred by section 21(1) of the Protection of Human Rights Act 1993, the government of Rajasthan constituted the Rajasthan State Human Rights Commission in March 2000. As per the RSHRC report 2004-2005, the State Commission has 52 sanctioned posts. Out of which 11 posts are lying vacant. The commission suffers from inadequacy of staff due to which it accepts non-achievement of its objectives to the full satisfaction.

As regards financial autonomy of the commission, section 33 of the Protection of Human Rights Act 1993 gives complete autonomy regarding expenditure of grants for performing the functions of the commission. The commission gets the money by way of grant and despite that every time the commission has to approach the government for approval before spending the money for performing its functions. This process not only causes delays but also causes inconveniences in performing the functions and jeopardizes the commission's autonomy. This fact is also reflected from the budgeted provision and expenditure from the years 2000-01 to 2003-04. The budgeted amount has not been fully utilized. The salaries, allowances and the grant have also not been completely utilized for non-functioning of commission with all the members

The National Human Rights Commission is a role model for all the State Human Rights Commissions. The NHRC is equipped with an adequate and efficient legal wing. Several State Human Rights Commissions have also created legal wings following the pattern of NHRC. At present there is no legal wing in the Rajasthan State Human Rights Commission (s: RSHRC report 2004-05). As a result the commission faces considerable difficulty in scrutinizing and analyzing the complaints at the threshold level, this will necessitate creation of some new posts. The State government must consider these requirements and do something about it soon.

{5}CIVIL AND POLITICAL RIGHTS

Civil rights refer to individual freedoms that belong to each individual member of a society. The idea behind the protection of these rights is to guarantee an individual a certain protective sphere to protect him/her against interference from public authorities. The concept of civil rights, as it is used here, does not mean that these rights would only extend to a state's own citizens. Traditionally civil rights have been regarded as the personal freedoms of a member of a society. In the Universal Declaration of Human Rights this group of rights covers, for example, the right to life (Article 3), the prohibition of slavery (Article 4), the prohibition of torture and other cruel, inhuman or degrading treatment or punishment (Article 5), the right to be recognized as a person (Article 6), the prohibition of arbitrary arrest, detention or exile (Article 9), the right to a fair and public hearing by an impartial tribunal (Article 10), the right to certain minimum

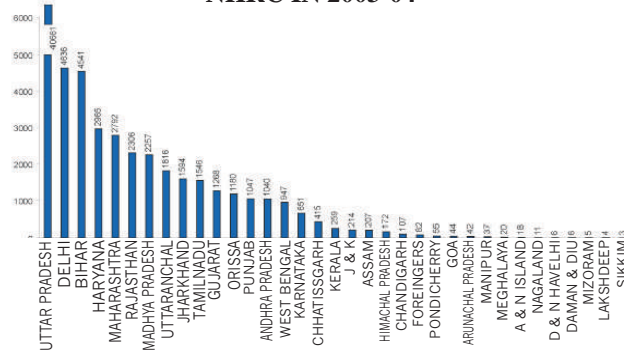
rights when charged with a penal offence (Article 11), the protection of privacy and family life (Article 12), the right to freedom of movement (Article 13), the right to seek and enjoy asylum (Article 14), the right to a nationality (Article 15), the right to enter into marriage and found a family (Article 16), the protection of property (Article 17) and the right to freedom of thought, conscience and religion (Article 18). In addition, Article 8 protects the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights.

Political rights differ from civil rights in that they protect the participation of an individual in the functions of an organized society, for example, the right to vote in free elections and the right to equal access to public service in one's country.

{5.1}CRIME IN RAJASTHAN

As is evident from the table below illustrating the number of cases State wise registered with NHRC in 2003-04, Rajasthan stands among the top six States, from where maximum number of human rights violations were reported.

STATE WISE LIST OF CASES REGISTERED WITH NHRC IN 2003-04



(Source: NHRC annual report 2003-04)

Crime rate has been constant in Rajasthan in the past 5 years, though the police claim that it has decreased. The profile of the crime is drastically changing and the criminal justice system has failed to keep track of growing incidences of crime. New forms of crimes are taking shape and the older ones are getting harsher & more virulent.

CRIME	2003	2004	2005
Murder	162	176	148
Attempt to murder	311	264	256
Dacoity	5	10	13
Kidnapping	346	356	305
Riot	651	436	337
Theft	2886	3341	3091
Waylaying	1166	1115	965
Misc	16689	17486	14964

If we look at the crime graph of the State over the past few years we see a drastic rise in murders from 2003 to

2004. Similarly there is a steady rise in dacoity, as well as in thefts, though in some cases crime graph has gone down, from 2004-05.

In 2005, 0.27% IPC crimes and 0.06% Special & Local Laws crimes were reported on an average in one minute in the State. 97.54 percent IPC cases were investigated and 82.21 percent of them were charge sheeted. Crime against women accounted for 8.62 percent of total IPC crimes.

In Rajasthan on an average 3 women are raped and 4 murders are committed daily. In comparison to 2003 in 2004 there was an increase of 1368 cases of crime against women. Although there was a decrease in cases of dowry deaths and rapes but all other crimes increased.

(Source: Rajasthan Patrika 28th Jan 05)

The details of the complaints received from the NHRC/SHRC and the State Government in the years 2003 to 2005 is highlighted below: -

Number of Complaints Received from NHRC/SHRC/State Government

Agency	Complaints Received			Disposed of /Replies sent			Pending		
	2003	2004	2005	2003	2004	2005	2003	2004	2005
NHRC	667	601	304	651	570	225	16	31	79
SHRC	37	66	34	37	62	14	-	4	20
STATE GOVT.	5	-	106	4	-	72	1	-	34
TOTAL	709	667	444	692	632	311	17	35	133

The criminal justice system has failed to meet its objectives. The number of pending cases is also on an increase in the Rajasthan Courts. As per a news report in Dainik Bhaskar on Feb 1st 05, nearly 2.5 lakh cases were pending in Rajasthan High Court, with 1.5 lakh cases at the Jaipur bench and 1 lakh at the Jodhpur bench. Also out of the 40 posts of High Court judges 13 were lying vacant.

Similarly in various district courts of Rajasthan nearly 6 lakh 45 thousand cases were pending, because nearly 170 positions for judges were lying vacant.

(source: Rajasthan Patrika, July 3, 2005)

{5.2} Human Trafficking Graph on Rise in Rajasthan

Human Trafficking has been identified as the third largest source of profit for organized crime, following weapons/ arms and drug trafficking, generating billions of dollars annually. The types of work that use trafficked labor usually involve exploitative working conditions that are gross violations of

human rights and labor standards. Trafficking thrives on the tremendous profits it generates and on the climate of fear that leaves many victims feeling that they have no option. Children, particularly girl children, are at greater risk of being trafficked than adults. The central characteristic of human trafficking is that victims are held under the control of the perpetrator in order to facilitate their exploitation.

Rajasthan is a major Source State to trafficking of women and girls for commercial sexual exploitation after Andhra and West Bengal. Out of 32 districts in Rajasthan, 27 districts (Alwar, Tonk, Dholpur, Sawaimadhapur, Bharatpur, Jaipur, Pali, Bundi, Chottigarh, Udaipur, Jalore, Jodhpur, Hanumangarh, Dausa, Dungarpur, Bhilwara, Barmer, Rajasmand, Ajmer, Jhalawar, Nagaur, Banswara, Baran, Shriganganagar, Sirohi, Jaisalmer and Sikar) are infested with some or the other form of prostitution, where women are traditionally or circumstantially forced to undertake Commercial Sexual Activities for the survival of their children and families. A large number of women are forced and trafficked into commercial sex by pimps, communities, family members, contractors etc. both within and out side the state.

Brothel based organised commercial sexual activities are rampant in the eastern districts of Rajasthan, along highways and main roads. It is mostly rife among the Scheduled castes such as Nat, Kanjar, Bediya, Santiya, Sansi, Banchhada. The major districts involved are Alwar, Tonk, Dhaulpur, Bharatpur, Bhilwara, Chittorgarh, Bundi, Jhalaar and Sawaimadhapur. In the western districts of the State of Rajasthan, i.e. Sikar, Nagpur, Jodhpur, Jaisalmer, Barmer, Churu, Jhunjhunun, Bikaner, Hanumangarh and Ganganagar, women belonging to various castes such as Nayak, Od, Baori, Damami, Sikhlingar and Mazhabi are involved in prostitution individually or in its unorganised form. In Hunumangarh and Ganganagar traditional organised forms of prostitution is also prevalent. In southern Rajasthan in the districts of Baran, Dungurpur, Udaipur, Banswara, and Jhalawar tribal women belonging to various tribes such as Bhil, Garasiya, Damor, Kulbeliya, Banjara, Jogi etc perform commercial sexual activities to earn their living. Among the Women engaged in commercial sex, more than 35% move to Metro cities, more than 55% to other cities and towns and about 30% move to different villages locally in relation to their commercial activities.

In the recent developments, trafficking to Mumbai and Pune in Maharastra for Bar girls has emerged as a new phenomenon and maximum number of girls taken from Rajasthan land up in Maharastra directly or indirectly. 17% women in Delhi brothels come from Rajasthan. Rural Female Sex Worker in Rajasthan: A Mapping Study by Human Environment Action Research Society, Jaipur 2002, undertaken as the India- Canada Collaborative HIV/AIDS Project had identified 62,204 rural females, 7570 households, 220 villages engaged in commercial sexual activities in Rajasthan. Out of total number of women

trafficked and engaged in commercial sexual activities 25 to 35 percent are minors. Among those forced into it by tradition almost all are at the age of puberty when they enter the trade. Apart from the large number of women and minor girls trafficked and forced into commercial sex there also occurs huge amount of trafficking of children for various economic activities who are sexually abused and exploited at one stage or other of their life. E.g . Diamond and Gemstone Industry - In Jaipur, Rajasthan, there are around 20,000 children among the 200,000 gem workers.. (ICFTU, "Union Investigation Reveals Dirty End of the Diamond and Precious Stone Business", 1997). Similarly, (US Dept of Labor, Sweat and Toil of Children: Consumer Labels and Child Labor, 1997, citing "The Status and Problems of Leather Workers") reported the children involvement in leather and tanning industry in Rajasthan.

Government Response to the problem of trafficking and commercial sex has been akin to providing official sanction along with the prevalent traditional sanction. Never has any serious attempt been made by the State government to undertake any study to identify the magnitude and dimensions of the problem with a view to tackle it. Recently a study "Rural Female Sex Worker in Rajasthan": A Mapping Study by Human Environment Action Research Society, Jaipur 2002., was undertaken, under the India- Canada Collaborative HIVAIDS Project in Jaipur.

Since the attainment of independence, none of the governments at the State level had legislated any law similar to Andhra or Madhya Pradesh for religious or traditional sexual exploitation or came out with any plan of action to deal with the problem or to remove the evil even after 5 years of **National plan of Action, 1998**. Even after the Union Plan of Action the State government's response has not been very encouraging and was limited to doing away with the administrative and legal formalities. Despite the huge number of women being trafficked and traditionally forced into commercial sex at the very tender age, the State government has no scheme to rehabilitate the victims and reintegrate them within the main stream society. Even within the existing Central or State level schemes for the general population, there is no strategy with the State govt. to associate the victims, their families and the vulnerable population effectively with these existing schemes and policies. Advisory committee under ITPA was formed in 1994, almost after a decade of the amendment in the law and in pursuance to Supreme Court directives in Vishal Jeet Case in 1994.

Process of formation of State & District Levels Inspection/ Advisory committee in accordance with the provisions of JJ Act, 2000 is yet not complete. No Anti-Trafficking and Prevention Cells in Red light/ High Supply Areas have been formed as directed in the ITPA or provisioned in National Plan of Action 1998 as a consequence of the Supreme Court directives in Gaurav Jain Case in 1997.

Task Force to coordinate the activities of various agencies involved for prevention, suppression, rescue, rehabilitation and reintegration of victims, as provisioned in the National Plan of Action has yet to be formed. Advisory bodies of Social workers to help the Special Police Officer in the Red Light area as per section 13.2.(b) of the ITPA are still to be constituted despite the lapse of five years of National Plan of Action. There exists no training cum employment projects in Red light/High Supply areas as provided in the Plan of Action. One Women Counseling and Protection Center was set up in Mahila Thana Gandhi Nagar, Jaipur in 2002 and order for 6 others, one each at Range Headquarters has been issued on 1.3.2003.

There is no home for HIV infected victims as provided in the National Plan of Action. Zila Mahila Sahayta Samities have been formed in each district to provide immediate shelter to the women in need of care & protection but there is no data to reflect upon their functional status. In the whole State there is only one Help Line run by Rajasthan University Women Association. There are 4 children homes for the boys & one for the girls and 32 destitute homes are also run through NGOs. There is only one rescue cum rehabilitation home namely Rajya Mahila Sadan located at Jaipur. One Mahila Sadan for destitute women and victims of CSE is under construction at Sanganer Township of Jaipur under the proposed name .Bharat Ratna Mother Teresa Mahila Sadan. For the girls of 16 to 18 years, a rescue cum rehabilitation home, Balika Grah is being run by the government. 12 counseling centers are functioning in the State, one each at Ajmer, Jhaiswar, Parat, Mawalapur, and Udaipur, two at Kota and the remaining 5 at Jaipur, out of these 8 are through Central Social Welfare Board and remaining 4 are through State Social Welfare Board. Also 8 short stay homes are being run through NGOs under the central government scheme. While Andhra government facing a similar problem has made provisions under a separate category of the PDS scheme, even after provision to this effect Rajasthan government finds it not to be in its capacity to do this. High supply areas are being targeted for economic empowerment through Kishori Balika Yojana, Kishori Shakti Yojana, Swayamsidha Yojana. Though as per the policy, priority is given for admission of girl child of victims in hostels/boarding homes of education department but there is no clear picture regarding the number of beneficiaries.

Conclusion may be drawn from the above facts that there exists serious gaps in the State policy and priority. The Supreme Court directives in 1990 (Vishal Jeet) and in 1997 (Gaurav Jain) Case and the National Plan of Action has made little difference to the State government. The State government seems out rightly unconcerned with the violation of the constitutional rights of the SC, ST and backward sections of the society and the human rights of the victims. It is totally insensitive to the State obligations to protect the citizens.

(Source: *Trafficking in India Report 2004*, by Shaktivahini)

{5.3} Custodial Violence: Defender Or Offender

One of the major areas of concern relating to human rights violation in Rajasthan is the atrocities in police custody. Such incidents are not only against the principal of right to life and basic human values, but also tarnish the image of police. Despite efforts made by the Law Commission, the National Police Academy and the NHRC, custodial violence and deaths in all forms remain rampant and among the most serious abuses of human rights in the country and Rajasthan is no exception to the rule.

Following figures reveal that Custodial deaths are a common feature among human rights violations in Rajasthan every year and we hardly see a dip in the graph over the years.

Year	No. of Custodial Deaths
2001	36
2002	46
2003	56
2004	41
2005	39

(Source: Rajasthan Patrika)

The National Human Rights Commission of India and the State Human Rights Commission of Rajasthan have made constant recommendations to the State government about the increasing levels of human rights violations in the police custody. The chief reasons cited for it have been shortage of staff in prisons, excessive workload, corruption and mismanagement. They have also asked for amendments in the Police as well as in the Prison's Act. The commissions also brought forth the issue of children of women prisoners, and recommended that these children should be shifted to children's home being run by Ministry of Social Welfare after attaining the age of six years.

As per the SHRC Rajasthan's report in 2004-05, the following human rights violations took place in the police cells and the prisons.

Kind of violation	No. of cases
Torture of prisoners	08
Rape in custody	01
Irregularities in prison	18
Abuse of power	226
Whimsical use of power	58
Harassment in custody	09
Illegal Arrests	21
Unlawful proceedings	477

Rajasthan faces no internal armed conflict but witnessed serious human rights violations by the law enforcement personnel. It is one of the few States, which used National Security Act of 1980 to suppress the movement of the Kisan Mazdoor Vyapari Sangarsh Samiti by arresting many of its leaders including Hetram Beniwal, Vallabh Kochher and Saheb Ram Punia under the Act.

(Source: Farmers booked under NSA, The Tribune Dec 2004).

Torture and the use of disproportionate force were rampant. Four farmers were reportedly killed and at least 30 others injured in police firing in Gharsana tehsil in Sriganganagar district on 27th October 2004. In another incident, the Rajasthan Unit of the People's Union for Civil Liberties (PUCL) reportedly found that on 7th October 2004, Rajasthan Police thrashed the demonstrators comprising of the school children, their parents and villagers at Kuhadwas village in Jhunjhunu district and resorted to firing without any provocation. They were protesting against the transfer of the school Principal, Ganga Ram who had improved the academic atmosphere.

(Source: PUCL slams police for action against school students, Hindu October 26, 2004)

The conditions of the prisons in Rajasthan are deplorable; a number of under trails are languishing in jails. The prisons are crowded beyond their capacities. Medical and other services are very poor as well. There is serious shortage of staff. About 50 percent posts have reportedly been lying vacant for more than a decade. Ailing prisoners at the Kota Central Jail have reportedly been inhumanly tortured at a prisoner's ward in a hospital at Kota. At the Barmer district jail, there was neither any female staff to deal with female prisoners nor did the female prisoners have separate provisions. In fact such conditions instead of reforming the criminals are helping to generate new breeds of criminals.

(Source: Rajasthan Patrika, 11 March 2004)

{5.4} Five killed in Rajasthan police firing

Source: Special Correspondent, The Hindu, June 14 2005.

Villagers' gathering to demand water turns violent, Raje Government orders probe

JAIPUR: The police opened fire at Soyla village in Rajasthan's Tonk district on Monday killing five villagers, including a woman, on the spot. The police action reportedly followed failure of other measures, including tear-gas and lathi-charge, on a violent mob of around 2,500 persons who were demanding water from the Bisalpur dam in the district.

Home Minister, Gulab Chand Kataria put the number of casualties at five though there are apprehensions that the number could be more. At least half a dozen villagers with serious injuries have been referred to Sawai Man Singh Hospital here. Mr. Kataria announced a judicial probe into the firing incident. According to official sources, 22 police personnel, including Additional Superintendent of Police and about a dozen villagers, sustained injuries. This is the second police firing in Rajasthan in a week's time. On Monday last, one boy was killed in Kanchanpur in Dholpur district when the police opened fire at villagers who were protesting against an alleged custodial death.

The reports reaching here said the villagers from the Tonk district's Malpura, Toda Raisingh, Niwai and Pipli had gathered at Soyla, some 20 kms from the National Highway 12, demanding water. The villagers in the recent past had met Irrigation Minister Sanwarlal Jat to demand construction of a lift canal at Todi Sagar to facilitate the supply of Bisalpur

water to their areas.

Violent turn

The agitation took a violent turn by evening when they stopped the traffic on the road and the passengers started reacting to this. Heavy stone pelting preceded the firing, the sources said. Terming the incident as "most unfortunate", former Chief Minister Ashok Gehlot has demanded the resignation of the Chief Minister, Vasundhara Raje. "There have been six police firings, including one last week in Dholpur, during the one year and a half tenure of the BJP Government," he pointed out. "The Government which opens fire at innocent persons has no right to continue," he said.

Mr. Gehlot alleged that the Government had lost control over the law and order situation in the State. "The Chief Minister goes abroad unmindful of the situation back home," he said referring

to Ms. Raje's foreign trip from which she returned on Monday.

{5.5} Proliferating Drug Business - Rajasthan's Pushkar, a haven for drug peddlers

By Lokendra Singh, Pushkar: Believe it or not, but Rajasthan's Pushkar area, which is known internationally for its annual cattle fair and handicraft items, has turned into a haven for drug peddlers. With a big influx of tourists visiting Pushkar every year from across the country and the world, the local police claim that they have also registered the highest number of narcotics-related cases in the state.

The cases booked under NDPS (the Narcotic Drugs and Psychotropic Substances Act), Act has shot up to 50. According to local shopkeepers, the increase in the number of foreign tourists to Pushkar is the root cause of drug trafficking. Unemployment among the youth has also contributed to the drug trade, with youngsters acting as carriers and peddlers.

"The drug trafficking has increased here due to heavy influx of foreign tourists. People from Pakistan also come here, many of them carrying drugs to sell. Tourists come here to enjoy and they usually look for these drugs," said Hemant Kumar Kharti, a local shopkeeper. Offering drugs like opium, smack or heroin or other narcotics to foreigners has become a regular feature of Pushkar. And this is why many foreigners who are not even aware of this smuggling, feel shocked the minute any drug peddler approaches them to sell. "We just came to the hotel and one guy offered us smack. We said no thanks, I think he was used to all that as this place is the major hub for the people to smoke and taking drugs. As a precautionary measure, we read it in a book that beware of any possibility of being asked for drugs," said Jessie, another foreign tourist.

During the last ten years, the local police have booked more than 50 cases under the NDPS Act, which is the highest number in the whole of Rajasthan. But it has not been as successful as mostly the matter involves a foreigner who manages to run away taking advantage of international norms. According to the local police though, they do take stringent steps to curb such activities. "This is not a new thing here as demand has increased to the consumption. The drug trafficking has increased over the last 10 years. We take necessary actions against the people involved in the trade, both-- locals or foreigners involved. We are strengthening our team so that we can stop such activities in this holy city," said P S Nyola, Additional Superintendent of Police, Ajmer. But many locals say that drugs are bought from foreigners and handed over to local agents who smuggle it in retail market. In May, the police had

seized charas worth rupees 40 crores from Pushkar town itself. Posted on 22 June, 2006 # ANI, Newkerala.com

{6} RIGHTS OF THE MARGINALISED

As important as civil and political rights in the Indian context are the rights of the marginalized. Being "marginalised" means the state of being considered unimportant, undesirable, unworthy, insignificant and different resulting in inequity, unfairness, deprivation and enforced lack of access to mainstream power. It's the Women, Tribals, Dalits or lower-castes, and the poor in general who fall into this category. And it's the rights of the "marginalised" in the country today that are in peril. The challenge is to empower them to demand their rights and participate in the public sphere.

{6.1} VIOLATION OF WOMEN'S RIGHTS

Violence against women has been one of the primary areas of human rights violations in India. Violence against women has increased, appearing in newer forms ranging from the lethal eve-teasing to deadly assaults on women by spurned suitors and renewed forms of exploitation as in the sale of women, often by their own husbands.

Fifty-nine years after India's independence and despite decades of efforts by the State in the form of packages, policies, empowerment committees and by the civil society, gender inequalities remain. Women still face both physical assault and mental harassment in a number of ways. The familiar acts of violations of women's rights are still largely construed from physical violence against women and girls. Rape that has been described as the primary instrument of control in a patriarchal society is often used as a mechanism of revenge or punishment. At the same time rape is commonly perceived as the fault of the victim, because of her provocative behavior or dress. In reality many rapes are committed in women's own homes, often by people known to them, including their own husbands (Marital rape).

Dowry crimes and dowry deaths continue unchecked. Traditional biases against women flourish which are quite evident from the accusations of witchcraft and subsequent attacks on single and widowed women who own land or other resources. Female foeticide claimed innumerable lives of unborn females. Domestic violence has figured prominently and so has caste violence. Rajasthan may have a woman chief minister, but incidents of atrocities against women are on a high. The State has almost become synonymous with the low status of women, patriarchal society, feudal customs and values, social polarization along caste lines, high illiteracy and extreme poverty.

The secondary status of women in Rajasthan coupled with an oppressive caste system and grinding poverty has robbed the women of their rights and a life of dignity, which were envisaged by the framers of the Constitution. Women of Rajasthan are viewed as an economic liability in their natal home and a burden in the marital home. Invisibility of women's work and lack of negotiating power has contributed to the perpetuation of negative image in the family, society



According to a report by the National Crimes Research Bureau (NCRB), Rajasthan makes it to the third spot regarding incidents of atrocities against women & second for atrocities on women from scheduled castes and scheduled tribes.

As per the statistics provided by the National Commission of women in 2004, 400 women suffered rights violations every day in Rajasthan. As per the CBI, Rajasthan is among the top seven states' where the number of rape cases registered was the maximum. Rajasthan accounts for 8 % of the total crimes against women that take place in the country. NCW statistics also claim that 70% of the child marriages happening in the country are reported from Rajasthan. According to a report by the National Crimes Research Bureau (NCRB), Rajasthan makes it to the third spot regarding incidents of atrocities against women & second for atrocities on women from scheduled castes and scheduled tribes. Several incidents of acid throwing on women have also been reported from various parts of the State. Women belonging to lower castes are often persecuted with medieval barbarity at the hands of upper caste Hindus. The Dalit girls are forced to run naked on full moon nights. Many are forced into the 'Devdasi' system of prostitution. In one of the worst cases, policemen raped Sarita Bai, a village council head. Another incident of gang rape took place in a temple premises in Jodhpur in October, 2005. The victim was a Dalit woman. In yet another incident of human rights violations, women belonging to the lower caste were forced to walk nude in public for their failure to wash the feet of the members of the upper caste Hindus and were also physically molested.

The table below exhibits data provided by the CBI regarding crimes registered in Rajasthan against women over the years.

YEAR	2000	2001	2002	2003	2004	2005
Dowry Deaths	429	376	399	389		
Harassment	5437	5532	5691	5733		
Rape	1242	1049	1051	1050	1038	993
Eve teasing	3022	2878	2730	2715		
Kidnapping	2682	2155	2022	1750		



A violence free existence should be the birthright of every woman and amongst all violations it is the sexual aspect that is mentally, physically and psychologically most torturous

In Jaipur on an average nearly 2% women are subjected to sexual harassment every day (Mahila Salah Evam Suraksha Kendra, 2006) & 40% women in the age group of 23 to 28 are being subjected to domestic violence. Sexual violence, apart from being a dehumanizing act, is an unlawful intrusion of the rights to privacy and sanctity of a female. It is a serious blow to her supreme honor and offends her self-esteem and dignity.

As per the records of the Rajasthan police in 2005, 23.47 percent cases of rape are found to be false.

Amnesty International delegates visiting Rajasthan for the report-The Battle against fear and discrimination- Impact of violence against women in Uttar Pradesh and Rajasthan, in 2000- were extremely concerned to hear of a large number of cases of violence against women, which after the filing of an FIR were subsequently logged as found "false" after investigation. The labeling of these cases as "false" is itself a concern as it implies that women have falsely or maliciously filed the cases and plays into the hands of those who argue that women misuse legal provisions to wrongfully accuse men as a means of punishment. In fact, government and police officials explained in Rajasthan that it usually meant that the victim had reached a compromise with the perpetrator of violence, witnesses had turned hostile or there were other reasons for withdrawing the complaint. In these cases "Final Reports" were filed, indicating that a complainant had formally withdrawn a complaint

HELL AT HOME

In case of **domestic violence** women face a tough situation, as the perpetrators in majority of the cases are the people within their own families. Despite the continuous physical and mental trauma, they are reluctant to report such incidents for fear of serious reprisal from the offenders, social ostracism,

bringing shame to the family and being victimized. A violence free existence should be the birthright of every woman and amongst all violations it is the sexual aspect that is mentally, physically and psychologically most torturous

The table below illustrates data for successive years on cases of domestic violence against women in Jaipur.

YEAR	Tortured by husband (No. of cases)
2002	334
2003	323
2004	305
2005	375

Source: (Mahila Salah Evam Suraksha Kendra, Gandhinagar, 2006)

RANSACKED "WITCHES"

In many parts of our country, village after village has been seen to be tied to superstition, which takes a heavy toll on women. Some are paraded naked, others are beaten to death and still others are ostracized in the name of witchery. There are number of such ill fated women who withstand this kind of inhuman behavior and wait justice, which rarely crosses the hallowed confines of our judiciary. In Rajasthan this is often done by the people of the upper caste to suppress the lower caste or to confiscate their land and property , often women are tagged as witches and then thrown out of the village or even killed. Many times they are also subjected to horrendous acts like gang rapes.

In 2004 as per the police records, more than 12 women were labeled as witches in the Bhilwada district and 2 of them were killed. The National Commission of Women has recommended that laws should be framed against this evil practice to put an immediate check on it.

CASE STUDY

Mohini was branded as a witch just because somebody's animal in the village fell ill. She was thrown out of the village and her house, land and animals were taken away by the powerful people of the community and ever since she hasn't been able to make it back to her village.

{Source: Rajasthan Patrika, 9/12/05}

Despite several reforms, women are still deprived of the basic necessities such as food, health, and education. There is no dearth of schemes and legislations for gender reforms but what is needed is political will to implement them expeditiously. A comprehensive approach is needed for improvement in State's response, clear and consistent documentation of various aspects of the case and rethinking on the definition of cruelty under specifically domestic

violence. Increasing women's social and economic well-being is a means of enhancing the whole society. Today educating the society is no less a priority than sensitizing the State. The two must go together for any change to be brought about in the lives of Indian women who to this day continue to live several centuries behind.

TORMENTED FROM WOMB TO TOMB

Sons are a major obsession throughout India, particularly in Haryana, Tamilnadu, Gujarat, Rajasthan, Maharashtra and indeed South Asia as a whole. Today, thousands of girls are denied even the right to be born with the help of those advances of science, which are basically developed to detect congenital abnormalities in the foetus. Every year 50 thousand female foetuses are destroyed in Rajasthan and nearly the same number of women are subjected to near fatal experiences, as most of these abortions are carried out under unsafe and unhygienic conditions (as per a PIL filed in the court by Dr. S.G Kabra, Aug 05.) Despite the presence of Medical Termination of Pregnancies Act, nothing serious is being done by the State to curb such illegal practices. The chief medical officer is responsible for keeping a check on such practices being followed by abortion clinics, but the situation is dismal.



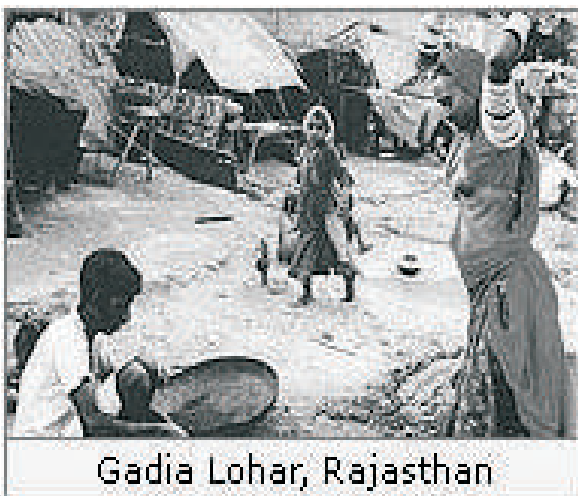
It's generally seen that women be it from lower class uneducated or from high class well-educated families have very little control over their sexuality and reproductive rights.

In fact the Director of Family Welfare, Dr S.P.Yadav has accepted that ever since the Act against sex detection came into force only 5 clinics in the state have been booked under it. As per the State's drug controller P.N. Saraswat, under the law, emergency birth control pills can only be bought from pharmacists after showing the prescription of a registered medical practitioner but in reality one can get such pills very easily anytime anywhere. These pills can prove to be very dangerous for the women who take them without proper

medical guidance and put their own lives to risk as well. Most of the time women are forced to do so under family pressure where her husband and in-laws expect a "Son" from her. It's generally seen that women be it from lower class uneducated or from high class well-educated families have very little control over their sexuality and reproductive rights. All these add on to the dismal Sex Ratio of the State, which is 922 females: 1000 males, below the national figure of 940:1000. Since the 1901 Census Rajasthan has recorded a lower sex ratio than that of India.

(6.2) TRIBALS

Even after over 50 years of Indian independence, the plight of the tribals has still been a topic of least concern among scholars, activists and most of all, the Indian rulers/the State. Tribals have been manipulated, with the State using the rule of law as an instrument to oppress, torture, exploit, and suppress the tribals and their rights. The rights and protections provided in the Constitution of India have largely been a showpiece to be precise.



Gadia Lohar, Rajasthan

The rule of law as an instrument to oppress, torture, exploit, and suppress the tribals and their rights

Rajasthan has a fairly good tribal population. As per the 2001 census, the tribal population in Rajasthan is 12.56% of the total population. Out of these, more than 90 % of the total tribal population consists of the two main tribal communities, the Bhil and the Meena. The other tribal communities are Damor, Girasia, Sahariyas and Kathodi. The tribal communities, in Rajasthan are not evenly distributed. The districts having fairly good tribal population are Banswara (72.3%), Dungarpur (65.1%), Udaipur (47.9%), Madhopur (21.6%) and Chittorgarh (21.5%). The tribal dominated areas in southern Rajasthan are notified as Tribal Sub-Plan Areas, The (TSP) area consists of 23 blocks of five districts namely Chittorgarh, Banswara, Dungarpur, Udaipur and Sirohi.



the Pali district without due process of law.

In fact as evident from the above mentioned figures, the southern districts of Udaipur, Banswara, Dungarpur, Chittorgarh, Rajsamand and Sirohi have a tribal population which is over 70% of the total population. This area which is rich in forests, mines, stone quarries, fertile land and rivers with a high average rainfall which sets it apart from the rest of arid Rajasthan, used to be one of the most lush and wealthy areas of Rajasthan. But fifty years of independence and freedom have left it naked and deforested, covered with open sores of indiscriminating mining. All its forests and mineral wealth have been drained to enrich the non-tribal populations.

Since 2004 thousands of tribal dwellers on forestlands in southern Rajasthan are facing the threat of eviction, following notices by the State government's forest department. In fact the forest officials even allegedly destroyed the houses and ravaged tribals' belongings in three villages in the Pali district without due process of law. The State government had decided in 1991 to regularize the encroachments made on forest lands before July 1, 1980. However, there has been no progress in the matter since then and the committees constituted at the forest range level to identify the tribals for regularization of land rights have failed to do the job. The Union Ministry of forest and environment, in its order, issued on February 5th, 2004, had observed that when the area where tribals had been living since time immemorial were brought under the purview of Forest Acts, their traditional rights were not settled, making them "encroachers" in the eyes of law.

The center had decided to consider the proposals for diversion of continuously occupied forestland under the Forest Conservation Act, 1980, to provide unfettered legal rights to tribals over such lands. The tribals were supposed to be given heritable and inalienable rights over the land. In fact Chief Minister Vasundhara Raje, had promised during her "Parivartan Yatra" in the tribal dominated districts in the State before the 2003 assembly elections that no tribal family would be evicted if Bhartiya Janta Party came to power and action for the regularization of their land rights would be initiated by undertaking a fresh survey. But nothing concrete has been done by her government in this regard so far. {Source: 19/10/2004, www.thehindu.com}

“RESIDENTS OF JUNGLE”, ON THE BRINK OF STARVATION

Among the tribals the Sahariya people are one of the earliest inhabitants of what is now known as Rajasthan. They adopted the name Sahariya during the time of Mogul rule from the Arabian words 'sehara' and 'sahr', which mean wilderness and jungle. 'Sahariya' literally means '**residents of the jungle**'. Historically, the Sahariyas were territorial inhabitants of the forests regions encompassed by present day Baran District in Rajasthan and the Guna District of Madhya Pradesh. Seasonal migration followed the cycles of gathering various minor forest products and hunting. Some small-scale cultivation of vegetables and grains developed more recently.

Post Independence the regularization of land and forest effectively divided the territorial homeland of the Sahariyas into land grants and departmental holdings. It was the responsibility of the Revenue department to determine land title and ownership over all non-regulated areas with settled population. The Forest Department claimed remaining 'unsettled' regions under its jurisdiction. In actual terms of the formation of the Forest and Revenue rules ended the nomadic way of life for the Sahariyas. The Sahariya people were marginalized since the criterion for land title did not account for generations of their people living from the forest base without a permanent settlement. In 1962 the Indian government allotted land to the Sahariyas, thinking that they were nomadic, uncultured, uneducated, backward people. The Tribal Welfare Department was created in hopes to bring education and civilization to the tribal people. Although the intentions were not malicious, the manner in which they were executed, without respect for the socio-cultural context and existing knowledge of the tribals, was disastrous. Due to the limited exposure tribals had of the outer world, people assumed they were ignorant and simple and labeled them untouchables.

Eventually tribals formed their own colonies usually outside the villages which to this day are called Sahranas. That is how they eventually settled. Slowly people from outside also entered this area and occupied the most fertile lands. They worked with government officials to get these land allotted in their names. Even the lands that had been set-aside for the Sahariyas were allotted to other people. In the worst cases, the tribals became bonded labourers to the new land 'owners'. There are many stories of the exploitation of these bonded labourers in this region and they remain among the most destitute people at risk to this day. In fact many Sahariyas have become victims of the tussle between the revenue departments. As per a survey conducted by Sankalp, an NGO, some Sahariyas have paid fine to the tune of Rs 50,000 from 1980 till now for cultivating their own land. In attempts to civilize the tribals, they are put in mainstream schools. The curricular framework of these schools was formed within the urban context, and had little relevance to the rural realities and their cultural identity. The result was that most of those who had studied were cut off from their own culture and traditional livelihood

Hunger has been claiming a growing number of lives in the drought-stricken Baran district of Rajasthan for quite some time now. The State and Central governments claim that the deaths have been caused by disease and lack of hygiene rather than by abject poverty and starvation. It's obvious to visitors to the area, however, that the fault lies with the apathetic district administration and the failure of the Public Distribution System (PDS).

New Delhi based Centre for Environment and Food Security carried out a survey on "*Hunger in adivasi areas of Rajasthan and Jharkhand*" and its report was formally released by the noted social scientist Mr. Ashish Nandy in October 2005. As per the report a shocking 99% of the Adivasi (Tribal) households were facing chronic hunger. The survey was carried out in Udaipur and Dungarpur districts, but the very year this report was released 48 persons had died of hunger and disease in 40 villages in Baran district from mid July to mid September.

In 2004 putting a question mark over the State governments pronouncements on the then deaths among the Sahariyas in Baran district, a Supreme Court team concluded that these tribals were living in a situation of hunger and starvation. As per the report of the team a large proportion of the Sahariya population was at a high risk of mortality because of chronic malnutrition and hunger. Using a Body Mass Index, the survey conducted by the team in Sahariya villages found 100% boys and 93% girls at a high risk of mortality. It calculated consumption of 800 to 1000 calories per capita per day for at least 90 days before the survey. Any food intake that is lower than 850 Kcalories per day is incompatible with life in due course and is indicative of starvation.

(Source: Hindustan Times, Jaipur, 1st October 2004)

Similarly in October 2002, there were 42 starvation deaths in the Sahariya tribe. Reduced to extreme poverty by five successive years of drought, the children of the tribe are dangerously underweight and every other child is a victim of malnutrition-induced illness. The adults too are far from healthy; three out of 10 men suffer from tuberculosis.

The tribals have been forced to eat anything to stay alive, including *sama*, a local wild grass, the seeds of which are ground into coarse flour that is difficult to digest. Everywhere it is the same story. Hollow-eyed children lie virtually comatose or sit near their mothers, lacking the energy to play or even cry out loud. Just a few years ago, Baran was a lush forested district with plenty of water and grains. The Sahariyas, once bonded labour for the rich Sikh and Himachali farmers who came in and grabbed the best land, were freed and given their own land during the Emergency. They soon became self-sufficient and never lacked food. The drought has changed everything. The water table has fallen, rivers and canals have dried up, crops have failed and even the forest cover is dwindling. The tribe has been forced to the brink of starvation.

Also no visible attempt is being made to monitor the implementation of the numerous Central and State government aid programmes. While on paper it seems no one needs to go hungry, the ground realities are starkly different.

Less than 25 per cent of the grain meant for the poor actually gets to them. Doctors and nurses have not visited the affected villages. Children below the age of six are denied even the nutritious mid-day meal provided by State-run schools. The limited number of food-for-work programmes, organized under the Sampurna Grameen Rozgar Yojana, aren't simply enough. In many cases, villagers have not been paid on grounds that the panchayat has not yet received funds from the State government. Media attention to the plight of the Sahariyas has resulted in some action. The State government had issued fresh orders that the sarpanch must store 10 quintals of grain for the needy at all times, & each ward panch must store two quintals, and a separate list of *the poorest* should be drawn up. Yet, despite platitudes from politicians and stern directives from the Supreme Court, the Sahariyas remain hungry.

Living with Hunger: The Sahariyas

(Source: Fact-finding by Kavita Srivastava (PUCL), Rajesh Sinha, Suman Dubey and Reetika Khera)

Some communities in India have lived with extreme hunger for decades if not centuries. The plight of the Sahariyas in Rajasthan is a telling illustration of this collective "poverty trap".

In Rajasthan, the Sahariyas live primarily in Baran district, where they constitute one fifth of the population. Traditionally, they have survived by collecting a variety of forest produce. Because of deforestation, it is now common to find them working as agricultural labourers in the region, harvesting groundnut, soyabean and other crops. Though many of them cultivate some land of their own, their plots are tiny.

This year the rains have failed completely. This has dealt a double blow to the Sahariyas. On the one hand, they have lost their earnings as cultivators and agricultural labourers, and on the other, forest produce has become even scarcer. Since the region is generally not drought-prone, and traditional livelihoods were diverse, the Sahariyas do not have well-developed coping strategies, unlike (say) rural communities in western Rajasthan.

Just before Dussehra this year, 12 children were reported to have died of starvation in Sanwaas. To investigate these and other deaths, a four-member PUCL team visited Baran on 14-15 October 2002. In Mudiari village, Murari's father died on 28 September 2002. The next day Murari's wife died, to be followed a few days later, by Murari's 20 days-old child. Murari's mother was alive but unconscious. She was living with Murari's sister because there was no one else to take care of her (later we found out that she too had died). Murari was compensated by employment on a relief site, rather than the Rs. 10,000 he was entitled to.

In Lal Kankri (Ganeshpura panchayat), a small hamlet of 23 homes where we heard of one man's death, the situation was even worse. The hamlet does not have road access or clean drinking water. The man who had died used to survive by collecting *khureta*, a wild root. Generally, people earn 5 kg of wheat for 25 kg of khureta. Eight days before he died, this man had got only 2 kgs of wheat. Even though only two mouths were to be fed, the 2 kg of wheat was made to last for eight days. On the evening of the eighth day, he complained of a stomach ache. Gyarsi, a social worker, was in the hamlet that night and compared his cries of pain with that of "sheep and goats". The next morning he died.

Speaking to the people of the region gave us further insights into the fragile living conditions of the Sahariyas. In Mamooni village of Shahbad, we heard that the average wage on the farms was Rs 10 per day. Gulab, one of the women we spoke to, said that she bought 1.25 kg of wheat with the money she earned, which was shared by her five-member family. In another family, 2.5 kg of wheat was shared by all eight members of the family. Most were eating only one meal in a day and were eating a wild vegetable ("*phaang*"). And these are good days for these women because they are getting employment work on the fields will not last much longer.

In Lal Kankri, we spoke to Siyawati, who has nine children. Her husband gets work every 3-4 days for which he earns Rs. 25 as wages. This sustains his family of eleven for 3-4 days. Siyawati rarely eats as she has first to feed her children. Her worry now is that while earlier they went out to the forest to collect *sama* (wild grass) and *phaang*, now even that option has vanished. Most men continue to go out each day in search of work, while their children wait for them to return with longing eyes. We were told that each day these children hope that their fathers will return with some food. On most days, however, they return empty-handed. This also means that while most of the 23 families of the hamlet have BPL ration cards, they never have enough cash to purchase their quota of wheat.

In each of the hamlets visited by the PUCL team the story was similar. All the children looked severely malnourished brown hair, bloated stomachs, spindly limbs, running eyes and noses. There was *sama* in the homes instead of grain. People's biggest worry was that the supplies of sama were drying up; they did not know what they would eat once the sama is exhausted. They were all aware that sama had probably caused the death of the three members of Murari's family. Even the sarpanch told us that sama was something people ate only in distress.

The state of the government's welfare schemes provided another clue as to what was wrong in the region. The only functional government scheme was the mid-day meal scheme in primary schools; some children also got a handful of fortified puffed rice or soyabean through the

anganwadi. No employment has been provided to the people of Mudiar. Even the ration shop has not been functioning regularly - in the past year ration had been distributed only twice. Of the fifty houses in Murari's hamlet, there are only seven BPL and three Antyodaya families the rest have been classified as "above the poverty line". Gauzia, who had a BPL card, was very angry; he kept pointing to one man who had an Antyodaya card and asking, "Are they the only ones who are going hungry?"

What shocked us most was what the officials and politicians had to say. The local MLA, himself a Sahariya, said "*ek time khana mil raha hai, ek time nahi mil raha, to ise bhook se marna thodi kehete hai*" (when you are getting alternate meals you can't call this dying of hunger). The District Collector did not seem at all alarmed by the situation. He complained that he did not have adequate staff in the district, making it difficult to implement government schemes. While other Collectors complain of the miserly labour ceilings imposed by the government, here the problem was different. The Collector informed us that Baran had not utilized the resources sanctioned to the district for relief works because they had not been able to identify "appropriate" works. However, this was not the end of the story. After the national media gave extensive coverage to the starvation deaths, the Chief Minister decided to spend Diwali with the Sahariyas and congratulated them on the tasty *kheer* they made with sama. The official website of the district now presents it as a "nutritive food". A central team investigating the matter admitted that these were starvation deaths, but the state government still denies this. While governments squabble, people continue to die.

{6.3} RAJASTHAN; HUB OF DALIT ATROCITIES

Atrocities heaped on the dalits and the downtrodden by our society and State are innumerable and appalling. The lower castes (dalits) are considered to be the antithesis of the upper caste. As they are becoming acutely aware of the cumulative effects of poverty, penury resourcelessness and powerlessness of the entire dalit community, they are demanding for equal share in all walks of life, which has sent danger signals to the upper castes and has sounded a death knell to the caste system. The murder and the mayhem that is unleashed on the dalits are irrespective of the fact that there are constitutional injunctions against indulging in the exploitation of the dalits. Even a cursory glance at the innumerable legal provisions enacted for the protection of the dalits and the downtrodden unravel the fact that even if a part of these provisions are executed in favour of the dalits, these discriminations will come to a grinding halt. But the fundamental factor that needs to be highlighted here is that in spite of these provisions atrocities continue to be committed on the dalits.

Caste system is still very strong in Rajasthan, there is a clear division between the 'upper' and 'lower' castes, with upper

castes usually the more economically and socially powerful groups in the local hierarchy. They mediate between poor people and the State and also exercise influence in the social affairs at the local level. Caste continues to be significant with regard to social relationships, marriage and occupational pursuits and in influencing people's livelihood choices and strategies. Access to natural capital (including common property resources, water and forests) is highly correlated with caste status in Rajasthan. Thus, across the State, Scheduled Castes and Tribes (SC/ST) have the least land and livestock and the poorest access to groundwater and irrigation sources. The unequal distribution of land is therefore exacerbated by differentiated access to water. Because drinking water is a scarce and precious resource in the extremely dry parts of western Rajasthan, its management is a source of power that has been exercised by powerful sections of the community to maintain their control over marginalized groups. For example, if the village only has one source of water that is located in the upper caste locality, members of lower castes are often expected to provide free farm labour to the upper castes in exchange of water. In other cases, they are not even allowed to fetch water from the source and have to fetch water from a source located some distance from the village

Rajasthan tops the list on atrocities against Dalits: Meira Kumar

Jaipur, Jun 27: Rajasthan tops the list of States in the country where atrocities against Dalits take place on a massive scale, according to Union Minister for Social Justice and Empowerment Meira Kumar. Participating in a programme organised by an NGO "prayas" in Jaipur, Kumar alleged that social justice was not being given satisfactorily to the needy people in Rajasthan. "Rajasthan, despite being a rich state in art and culture, was very poor in terms of providing social justice to people;" she claimed adding there was a need to take effective measures to provide social justice to the needy.

Source: Posted on 28 June, 2006 # PTI, www.newkerala.com

Rajasthan has a dismal record of offences against the Dalits. There is extensive discrimination against and abuse of Dalits in all parts of Rajasthan. These abuses include name-calling, prohibiting Dalit women from using footwear in the main village, denial of such services as even that of the barber's, segregation of schoolchildren, forcing Dalits to sit at the back of the classroom, prohibition of rituals such as riding a horse during weddings, and gross inequality in access to water and other common resources like pastures and wastelands. There is systematic discrimination in State-run Employment-generation and Drought-relief programmes as well. According to 'National Crime Records Bureau, Crime in India in 2001', 33,501 criminal cases against Scheduled Castes were registered in 2001 as compared to 25,455 cases in 2000, with Rajasthan alone accounting for 14.6% of the crimes.



The commission strongly believes that in spite of the presence of strong laws against untouchability and human rights violations, the condition of Dalits is the worst in Rajasthan.

As per the Rajasthan State Human Rights Commission, the State is a topper in committing dalits' human rights violations. The Commission strongly believes that in spite of the presence of strong laws against untouchability and human rights violations, the condition of Dalits is the worst in Rajasthan. In fact the Commission sent a report to the State government in this regard in early 2005 and demanded immediate action. It was clearly stated in the report that as the sense of self-esteem and pride is increasing among the dalits, the graph of atrocities upon them is also climbing up. Also in most of the cases of violations the victims don't get justice on time. As a result there have been a lot of cases where they have been asked to intervene.

The Commission in this Report has given the State Government the following suggestions.

1. There shouldn't be any discrimination in schools as far as distribution of nutrition is concerned.
2. There should be more stress on educating students against untouchability and other forms of discrimination based on religion, caste, gender and so on.
3. On 15th August, 26th January & 2nd October dalits should be allowed entry in public temples.
4. Similarly, on the above-mentioned dates every gram panchayat should organize community feasts. And responsibility of preparing and distributing the food should be entrusted to the dalits.
5. There should be strict action taken against any attempts to stop dalits from entering the public ponds, restaurants etc.
6. 16% of the Ration shops under the PDS System should be allotted to dalits.
7. Any such jobs that generate a feeling of abhorrence for the people doing it should be done with mechanical equipments.
8. There should be more focus on generating public awareness against the practice of untouchability.
9. Speedy delivery of justice in cases under the Atrocities against the ST/SC (Prohibition) Act.

{Source: Rajasthan Patrika, Feb 21 2005}

THE DIP OF REBELLION

For many Indians, especially urban people, the thorny, bristling reality of persistent oppression of the Dalits is often softened and dulled by the fairly rare, but true success stories of individuals who belong to the former untouchable castes. . More Dalits are visible today in the middle layers of the bureaucracy than ever before. A significant proportion of them now use the educational opportunities opened up by reservations. Untouchability of the overt, "in-your-face," kind has declined at least in the cities. The Dalit problem, the gradualist optimistic view holds, may be on the way to resolution.

This view requires a reality check. Nothing furnishes such a check better than a visit to Chakwara, a dusty, dry, and non-descript village, barely 50 kilometres from Jaipur. Drive there, and you plunge straight into the Middle Ages. This is a society based on terrible inequalities, social servitude and economic bondage. At the centre of this serfdom, and legitimising it, is systemic, systematic discrimination against Dalits, sanctified by religion. The Dalits of Chakwara village discovered this when they lay their claim to a common or public resource: the village pond, bathing in which is an important ritual. The pond and the steps leading to it have been built and maintained over the years with State funds and contributions raised by the entire village, including the Dalits. But Dalits have been excluded from using the common 'ghats' for decades. Caste-based "tradition" ensures that Dalits are treated worse than the buffaloes, cows and pigs that have virtually unrestrained access to the pond. The only exception is the women who have also, irrespective of caste, always been barred from the access to the pond.

However, in December, Babulal and Radheshyam, who belong to the Bairwa group of Dalits, decided to defy the hallowed "tradition" and take a dip in the pond. Outraged, the upper caste Hindus subjected the Bairwas to vile abuse, threats of a "bloodbath", a nightly siege of their homes and a crippling social boycott. The Dalits could no longer buy tea or vegetables or hire farm implements. The local doctor would not treat them. The grocery shop ostracized them. The local mechanic would not repair their bicycles. Their men were stalked and their women abused.

The local administration and police should have protected and supported the Dalits; instead they generally sided with the upper castes. In January, officials allied with the upper caste Hindus in breach of the law bullied the Dalits into signing a "compromise" agreement, which effectively erased their right to the pond. The agreement produced discontent and resentment that has been simmering ever since.

The incident has created waves beyond Rajasthan - one of India's most socially backward States. Rajasthan has a dismal record of anti-Dalit offenses. Chakwara even today seethes with tension, fear and anger. Unless an initiative for reconciliation is launched, and reliable protection provided to the Dalits, the village can witness a bloody carnage. Rajasthan has seen numerous anti-Dalit atrocities, the worst of which was the massacre of 17 Dalits in 1992 at Kumher village.

The convener of the (National Campaign on Dalit Human Rights) **P.L. Mimroth**, strongly believes that the State hasn't treated the Dalit issues with the seriousness they deserved. "Despite forming 30 per cent of the State's population, Dalits have been the victims of the worst forms of injustice, persecution and exploitation since independence," he laments.

In the light of drastic policy changes in the field of education it is important to examine the educational status of the Dalits in Rajasthan. In a highly inegalitarian society, stratified and differentiated by class and most importantly by caste, education is the only surest key to dalit progress. The school dropout rate is also much more among the lower caste students when seen in comparison to the higher caste. The reasons are easy to see, higher caste teachers continue to consider Scheduled Caste children as 'uneducable', refuse to touch them, make them feel unintelligent and inferior, target them for physical and verbal abuse and use them to do menial chores (PROBE, 1999; Sainath, 2001). Nambissan (2001), in her study on social disparities in schooling in rural Rajasthan, notes that teachers appear to have definite views of children coming from these castes and communities. Teachers regard dalit children as having inherently poor scholastic abilities because of their caste status and their parents as lacking interest in their education. Although teachers deny discriminating against different pupils, but Dalit children say that they are not allowed to drink water from the common water pitchers

Dropout rate of children at primary level

Year	Boys			Girls		
	All casts	SC	ST	All casts	SC	ST
1998-99	-10.7	-15.0	-18.2	4.2	07.9	4.4
1999-00	-09.05	-05.1	-21.9	6.5	5.2	9.9
2000-01	-09.0	-01.4	-13.1	7.7	5.8	4.7
2001-02	-13.2	-06.2	-10.4	4.0	1.5	9.0

Source : Pragati Prativedan (Rajasthan mein shiksha ki pragati), Directorate of Education, Bikaner

SLAIN IN THE NAME OF HONOUR

The evils of caste prejudice and the treatment of women as mere keepers of the family honour surface once again in rural Rajasthan, where a young upper caste girl who dared to marry a dalit man was killed by her own family. On September 22, members of the Gujjar community in Rajasthan's Dausa district called a 'maha panchayat' (special meeting of caste elders) to protest the arrest of the killers of a young Gujjar girl who had been murdered, allegedly, to protect her family's 'honour'. Fifteen-year-old Neelam's father, uncle and grandfather are alleged to have murdered the teenager to avenge their honour by the girl's elopement with a dalit (lower caste) boy. The Gujjars belong to the category 'other backward

castes' (OBC), which is higher in the country's caste hierarchy than the Bairwa caste to which her dalit husband belonged.

Although members of Neelam's family reportedly confessed, during police interrogation, that it had been an 'honour killing', the community panchayat says they will launch an agitation against the arrests. Indeed, in the teenager's village of Shahadpur there is widespread condemnation of the arrests and anger against women's right groups that have protested against the girl's killing.

"This panchayat has been called because the FIR (first information report) was filed under pressure. Without concrete proof two innocent people have been arrested and women's organisations are behind it," says Gajendra Singh Khatana, convener of the Gujjar panchayat. Meanwhile, women's organisations in the state blame the government for allowing the crime to be politicised along caste lines. And, while no political party has taken an official stand on the issue, many prominent politicians, including members of the State legislature, are known to have attended the caste panchayat meeting.

"We have seen it earlier in Rajasthan. We have seen it on the sati matter, in the Roop Kanwar case, in the Bhanwari Devi case, and we have seen it even otherwise where caste panchayats are used against women to put pressure on the government," says Kavita Srivastava, a women's rights activist. A week after the incident, women's groups met Rajasthan's chief minister Vasundhara Raje to urge government action against the killers. Representatives from the People's Union for Civil Liberties, the National Federation of Indian Women, Vishaka, Women's Education and Resource Group, Vividha, Women's Documentation and Resource Centre and the Rajasthan University Women's Association, among others, were taken aback to find that Raje had not even been properly briefed about the incident. Meanwhile, the case has heightened caste tensions in Shahadpur, with dalits fearing reprisals from the Gujjars and fleeing their homes despite the strong police presence in the village. "When those two ran away there was a great sense of fear among us. Now that the girl is dead we are even more afraid," says Gulab Bairwa.

Source: *The Hindu*, September 28, 2004

The table below gives data on victims of ST/SC's atrocities and the also of the nature of atrocities in the State for the year of 2002-03.

RELEIF

Financial assistance has been provided in Scheduled Castes and Scheduled Tribes victims of atrocities during the financial year 2002-2003 is given below :-

S.No.	Details of Crime	No. of Beneficiaries	Amount (Rs. in Lakses)
1.	Murders	20	13.70
2.	Permanent Disability	4	0.75
3.	Temporary Disability	46	3.28
4.	Rape		
5.	Destruction of moveable property agriculture and others	4	0.26
Total		131	48.29

FIRST OF ITS KIND

It was the first since Independence, that a dalit bridegroom sat on a horse in his wedding procession in Harmada, Jaitepura village in Rajasthan. Mukesh a dalit boy, traveled on a horse in his wedding procession, an act of bravery, keeping in mind that the village higher caste would be dead against it, as they feel it is only the prerogative of the higher caste to do so.

To prevent any mishap resulting from a backlash from the higher caste of the village, the wedding procession saw the heavy presence of police around. Mukesh's father Mohanlal hadn't had any such plans earlier; after all in their Jat and Rajput dominated village, this hadn't ever happened earlier. But the Bridegroom had decided that if law is in their support then why should they continue with this age-old yet meaningless and degrading custom and he decided that he would sit on the horse. As a result Monhanlal went to the Harmada poice station and requested for police protection.

Due to the heavy presence of the police no opposition was shown by the higher caste for breaking of the age-old unsaid norm by the dalits. Infact this incident is the beginning of self-assertion of their rights by the dalits of Harmada village. And the entire dalit community is hopeful of a better future.
{Source: Rajasthan Patrika 22nd Feb. 2005}

A lawyer involved in numerous cases of violence against *dalits* and *adivasis* in Rajasthan told Amnesty International delegates visiting Rajasthan for the report-The Battle against fear and discrimination- Impact of violence against women in Uttar Pradesh and Rajasthan, in 2000 that he had **not** come across a single case in which a woman was given immediate compensation and travel and maintenance expenses as set out in the Act. He did however refer to financial relief provided by the Chief Minister of Rajasthan from his discretionary fund or by statutory bodies such as the National Commission for Women. Amnesty International delegates learnt that the Rajasthan government had set up a rehabilitation scheme for victims of rape, which provides them with Rs.10, 000 [\$215] in immediate relief if they need financial assistance. The Rajasthan government's welfare measures for scheduled castes and scheduled tribes include payment of Rs.100, 000 [\$2,147] for victims of rape from those communities. However, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules indicate that in cases of murder, death, massacre, rape, mass rape and gang rape at least Rs.200, 000 [\$4,294] should be given in compensation. Rajasthan government officials with whom Amnesty International delegates spoke in December 2000 recognized the need for a cohesive rehabilitation policy for victims of rape and other forms of violence

{6.4}CHILD RIGHTS

As human beings, children are entitled to all the rights guaranteed under the Universal Declaration of Human Rights (UDHR) and various other treaties developed from it. But

children also need special protection and care. They must be able to depend on the adult world to take care of them, to defend their rights and to help them develop and realize their rights. Children suffer many of the same human rights abuses as adults, but are also targeted simply because they are dependent and vulnerable. Here we will examine trends in Rajasthan in three areas i.e. right to protection from exploitation, right to development and right to life.

Child Labour in Rajasthan

Child labour, consisting of children below 14 years of age, is defined by the ILO as "the type of work performed by children that deprives them of their childhood and their dignity, which hampers their access to education and acquisition of skills and which is performed under conditions harmful to their health and their development" (ILO/United Nations Children's Fund, 1997). These children are often employed in low-skill, low-wage jobs with long working hours. Many of them work in hazardous occupations as bonded labour and are frequently abused by their employers.

The Gem industry is quite big in Rajasthan and a source of massive revenue for the State. And a huge chunk of workers here consist of children, they are generally put to work for cutting, polishing and shaping the stones. Grinding work is also best done by children. Female children belong to both Hindu and Muslim communities and are treated even worse than the male children. In Jaipur this industry is mainly concentrated in the Ghatgate, Ramganj Bazar, Galtagate, Chandpol, Gangopal, Chaardarwaza, Sansar Chand Road, Babu Ka Teeba, Aarsh Nagar Stand colonies. The Rajasthan government has not yet conducted a survey of the gem industry. Some NGOs have some data. According to them there are about 72 to 80 thousand workers engaged in this industry. Child workers are the largest group of the total workers. About 85 percent are Muslims. About 30 percent of the workers are less than 14 years of age and amongst them girls are in a majority. The country earns more than Rs. 1400 crores every year through their exports, the largest part of exports going to the U.S.A.

In India, for a long time, the debate on child labour appeared to have reached a consensus, which supported the view that children work because of poverty. However, an alternative perspective that viewed child labour as a cause of poverty has challenged this view. These contested ideas and competing social pressures have led to analyses, which seek to understand the context specificity and the need for positive action. This is illustrated by the shift in emphasis from 'banning' and 'eradicating' child labour to a position that strategically seeks to address the root causes and most exploitative forms of child labour. The number of working children in Rajasthan is the second highest in the country. In Rajasthan, the non-availability of work for adults, low wages and better returns from self-employment have forced many poor children to work in order to contribute to their households.



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37 kilometers to the north-east of Jaipur is situated the Jamwa Pamgarh Tehsil which falls in the Dausa Lok Sabha constituency. There was a time when the area was covered with dense forests and wild animals roamed about. Now it has bare rocks and dry land which is ruled by liquor mafia and educated business persons. Around this valley there are about 13 hundred wooden looms manufacturing rugs in the villages of Makchaughari-Kharkara, Khaurani, Jodhrala, Palrikhur, Bans, Goreth, Andhi, Raisar, and Gurjarthari, etc. Girls and boys belonging to Meena, Raigarh, Harijan, Gurjar, Thakur and other like castes work in this industry from 8 in the morning to 6 in the evening so that the families may earn a few rupees. Under the present model of economic development in our country the poorer sections of the society have to bear suffering and the upper sections enjoy the fruits. Carpet industry is an old industry but the globalisation of the economy has resulted in the introduction of child labour in it. 30% of the total carpet trade is centered in Rajasthan and the use of child labour is widespread. The State Government as well as the traders engaged in the manufacture of carpets are earning huge amounts of money. (Source: PUCL Bulletin).

The table below indicates that more than 16 percent of children in the age group of 10 - 14 are employed. These are alarmingly high numbers.

Table 3: Percentage child workers by age group

Age group	Male	Female	Average
5-9	01.5	03.6	02.5
10-14	11.4	23.4	16.7
15-19	50.2	46.8	48.7
All	50.0	38.8	44.6

Source : NSS 55th Round - 1999-2000

In the tribal areas, children were also engaged in collecting forest products such as *mahua* (tree), *sitaphal* (custard apples), *ber* (berries) and wood. Pressures of agricultural work during the sowing and harvesting periods also compel children to help their parents.



Intensification in agriculture has led to an increase in children's workload, especially of those in households where agricultural intensification has led to higher production and hence more work

A study by Cecoedecon (an NGO in Rajasthan) in 1999 indicated that children are engaged in two occupational categories. The first includes all agriculture-related activities, cattle grazing, looking after younger siblings and household work, as well as work in hotels, dhabas (roadside restaurants) and motor garages. The second category includes carpet weaving, beedi (local cigarettes) rolling, gem polishing, embroidery, mining and tie and dye work. Nearly half of the child workers had never been enrolled in school and were illiterate.

Wazir in his study (2002) notes that nearly 100,000 men, women and children work in sandstone mines in Jodhpur district. The majority of these workers are migrants who move with their families to seek employment in this industry. Most belong to the Scheduled Castes and Scheduled Tribes, and tend to be landless or have marginal and unproductive landholdings. In addition, literacy levels are low. Children start working from the age of about ten and receive a meager 10-15 rupees per day. Although both boys and girls work in the mines, more boys are employed because girls are usually kept at home to do domestic chores like cooking, fetching water and firewood, and looking after younger siblings. Some studies point to the fact that intensification in agriculture has led to an increase in children's workload, especially of those in households where agricultural intensification has led to higher production and hence more work. Children are particularly involved in certain tasks such as collecting groundnuts and cleaning grains. During the peak agricultural season, most children from poor households do not attend school (Bhargava, 1998). The participation of children in animal husbandry activities, especially grazing of cows, sheep and goats, is widespread and common to all districts of Rajasthan.

MARRIAGE: OR CHILD'S PLAY

30 per cent of the girls in Rajasthan get married at the age of 13 and 50 per cent are mothers by the time they turn 15. In rural areas, 43.1 per cent girls in the age group of 15 to 19 are married & the average age of marriage in rural areas is 14.6 years. Mrs. Alka Kala, Principal Secretary of Women & Child Development Department.

According to a study conducted by Institute of Health Management, Rajasthan accounts for the birth of 1.27 crore babies each year. And 13.80 lakh children die young, obviously due to early conception by physically weak mothers and lack of pre-natal care in villages. Ironically, child marriages are rampant in a State where the Child Marriages Restraint Act, popularly known as the Sharda Act, was first conceived. The amended Act 1978 prescribes three months' imprisonment and a fine to anyone guilty of conducting or abetting a child marriage. But, due to lack of a proper implementation mechanism, the Act is a mere travesty of justice. Child marriages are common among Gurjars, Jats, Meenas and some other backward classes but in some villages, all the families irrespective of caste or creed support child marriages

In Rajasthan, child marriages remain so popular that virtually every city, town and village has a holiday atmosphere ahead of the day set up by the astrologers for the annual 'Akha Teej' festival. Although the tradition requires, the bride to stay with her family after getting married and wait for another ceremony known as 'Gauna' that would mark her fitness to join her husband's family.

Bhaats keep child marriage practice alive
Geetanjali Gayatri
Tribune News Service

Dhand (Kaithal) May 22, 2005

Fourteen-year-old Rekha is getting married tomorrow. Her parents are busy making arrangements and the house has a palpable frenzy of activity about it. However, Rekha is deadpan. There is emptiness in her eyes as she stares into the distance and her silence is unnerving. It is obvious that she has resigned herself to the fate of being carried off as a child bride by a man who is at least 12 years older than her. The baraat is expected tomorrow evening. Today, Rekha has her hands full as she juggles between managing relatives and cooking food. She goes about her day's tasks in absolute silence and does not utter a word even when prodded to say something. In fact, Rekha is hardly the face one would associate with a bride-to-be. No smiles, no enthusiasm, only misery writ large. Only her mehendi-stained hands give away her current special status. Rekha is no exception in this Bhaat settlement of nearly 60-odd families who marry girls within a year of their reaching puberty. For the Bhaats, a community from Rajasthan, marrying their daughters young is a tradition and child marriage is rampant among them. They believe the earlier a daughter is married and sent to her in-laws, the more blessed is the family.

As the girl's aunt, Kamla, puts it, "We Bhaats just beg to earn a living. Our girls never go to school and never study. Once a girl is born, our only aim is to find a suitable match for her and marry her off. The earlier it happens, the better it is." Rekha's father is a drunkard and her mother is the only "earning" member of the house. The family has spent nearly Rs 40,000 on the ceremonies preceding the marriage and put the total cost of the marriage at Rs 1 lakh. Last week, 15-year-old Bateri came as a bride to another Bhaat household. She is adept in household chores and has no regrets about being married young. "I have nine brothers and sisters, of whom two are married. I am happy to be settled," she maintains.

However, Saroj, who has now been married for over seven years and has two children, recalls, "I was barely 13 years old when my parents found the match for me in Kaithal. I didn't even know what marriage was then. All I know is that it is our 'dharma' to get married and there are no two ways about that," she says. Her husband is a daily wage earner and can hardly fend for the family.

Now 25 years old, Roshni doesn't even remember when she was married to a labourer in Bhiwani. In the village to attend her brother's wedding who she says is 18 years old, she maintains, "We can't change the community we are born in. So, we just beg and enjoy whatever we get. That's our life and we are condemned to it. There is no use cribbing because it has been that way for ages."

Not far from their settlement, Geeta can't stop crying over what fate has meted out to her 11-year-old daughter. "I got her married when she was 10 years old to a 25-year-old man after my husband's death. He promised to take her away after six years but came back within two months to stake his claim on her. I refused to send her, so he took her away forcibly. I went and got her back after a week or so. Since then, we have no news of him. He has deserted my little daughter," rues the distraught mother, sobbing and only able to mumble a few words.

Realization has dawned very late on her that child marriage is illegal and she can't even approach the police to book her son-in-law. She was told that in case she does so, she, too, can be booked for marrying off her minor daughter. While Geeta has woken to this fact, the Bhaats have willfully chosen to brush the law under the carpet to keep up their tradition.

Source: Tribune news service

The saddest part about child marriages is that despite the administration being fully aware of the custom, and sometimes even having advance knowledge about it, the crime against innocent children continues. As the administrators have turned a blind eye to the problem, local people have no fear for law. Caste affinity and social pressure is so great that no one reports such cases or comes forward to give evidence. Past experiences have taught a lesson to many that authorities don't respond in time of such crisis.

In such unions, girls are the worst sufferers. Inadequate socialization, discontinuation of education, great physiological and emotional damage due to repeated pregnancies devastates these girls. Child marriages increase the girl's reproductive span. Boys suffer less in this male dominated society. Most grooms once educated and grown up, migrate to urban areas and get better jobs. Many abandon their village brides for city women. Some continue to keep two wives. In some cases the grown up boys, don't even bother to acknowledge their child marriage and the brides are forced to go back to their parents' house.

(SOURCE: "Who Cares for Child Marriages?" by Shobha Saxena. Pioneer. 29 January, 1999)

Right to safe and healthy childhood

In Rajasthan, the status and conditions of children, as well as their growth and socialization, are significantly determined by familial contexts, cultural practices, belief systems, community linkages and social relations. Children in Rajasthan have high levels of malnutrition, stunting and wasting. This situation was exacerbated by a severe drought in 2002-03. During this period, data collected by civil society organizations in the State indicated that 11 children had died of hunger in one tribal district alone.

Children belonging to certain marginalised and deprived groups (Koli, Bairwas, Bagarias, Balmiki, Chamar, Banjara, Kanjar, Raigar) face discrimination in terms of access to education and health, which can threaten their survival and lead to their entrenchment in poverty as adults. The high incidence of infant and child mortality is an important indicator of childhood poverty in Rajasthan. Institutional deliveries take place only in the case of complications



Field investigations in various States have revealed that the relief employment in public works, which is provided to the marginal farmers during the lean season or to landless labourers and tribal people, is generally of an ad hoc nature, lacks an element of "Gaurantee" and does not fetch enough money to procure adequate food.

Preliminary fieldwork conducted during the CHIP study in Banswara district, where children accompany groups of pastoralists, reveals that, although migration ensures short-term survival, it could have negative longer-term implications because of the trade-offs, especially with children's education. This has potential inter-generational consequences for development and may contribute to long-term poverty traps. Differing patterns of migration and the long-term implications on childhood poverty remain under-researched in the State

{7}ECONOMIC, SOCIAL & CULTURAL RIGHTS

The central characteristic of economic, social and cultural rights is that these rights will not be actualized if the State simply refrains from interfering with individual freedom. These rights are about the conditions for the actual well-being of people that require the society to use its resources. The Articles mentioned above list as economic, social and cultural rights, among others, the right to social security (Article 22), the right to work (Article 23) and certain minimum conditions in work (Article 24), the right to an adequate standard of living, including medical care, food and housing (Article 25), the right to education (Article 26), and the right to freely participate in the cultural life of the community (Article 27).

{7.1} RIGHT TO FOOD & LIVELIHOOD

Although there is no explicit provision for the right to food in the Constitution of India, comparable Human Rights related provisions are enshrined in the Chapter of Fundamental Rights as well as Directive Principles of State Policy. Article 21 of the Constitution, which ensures a fundamental right to life and personal liberty is seen as the fulcrum of the justiciability of the right to food. Similarly the Directive Principles of State Policy implicitly incorporate the right to food either in the form of non justiciable right of the citizen or in the form of directives to the State to achieve certain goals. Also the realization of the right to food is closely linked to the right to work, especially when it comes to enhancing the accessibility to food. Field investigations in various States have revealed that the relief employment in public works, which is provided to the marginal farmers during the lean season or to landless labourers and tribal people, is generally of an ad hoc nature, lacks an element of "Gaurantee" and does not fetch enough money to procure adequate food. Proportions of people below the poverty line have not reduced in Rajasthan in the new Millennium, owing to stagnation in agriculture in the recent past and a consequent slow growth in other activities. Rural to urban migration (by the poor), particularly from the western districts, is probably keeping urban poverty higher than rural, as urban occupations are not diversifying rapidly enough to absorb this surplus (rural) labour. Their (un)employability owing to low skills adds to their woes.

The agricultural development model pursued in the last three decades has been based on 'settled intensive agriculture' (wheat, oilseeds, sugar cane, rice) with intensive water use mainly drawn from the underground, in lands other than those in the Indira Gandhi Canal Region (which get canal water). This has been a major departure from the historical pattern of sowing maize/millets and supporting livelihoods from pastoralism. This shift, along with rapid population growth and urbanisation, has created tremendous pressure on water and other natural resources in this arid to semi-arid agro-climatic region. It is becoming, therefore, difficult to keep up this form of agricultural development here, and consequently sustain livelihoods.

(Source: Priorities for Rajasthan's Development in the XI Five Year Plan, April 12, 2006)

National Rural Employment Guarantee Act in Rajasthan

**"HAR HATH KO KAM DOO
KAM KA PURA DAM DOO"**

The problem of increasing rural unemployment and resultant migration may be checked by the newly introduced National Rural Employment Guarantee Act, which aims to provide a job to one member of every rural household in which adult members volunteer to do unskilled manual work. It will first be implemented in 200 of the country's most backward districts, including

150 districts where the National Food for Work Programme is currently in place, and will be extended to all 600 districts of the country within five years. Banswara, Dungarpur, Jhalawar, Karauli, Sirohi, Udaipur are the districts chosen where the scheme would be implemented in its first phase.



The study brings out the misery and vulnerability of migrant labourers. A quarter of them live in utterly wretched conditions i.e. on footpaths, in shanties, on job sites or in unoccupied housing societies, without any toilet facility or supply of drinking water.

IMPLEMENTATION STATUS OF NREGA {IN RAJASTHAN}

Reporting date: 25/3/06

SL. No.	Name of district	Job card issued	Employment Demanded	Employment provided	Works started	Expenditure incurred (Rs. In lakh)	Estimated cost of employment (Rs. In lakh)
1	Banswara	260788	82336	66401	9		
2	Dungarpur	222953	68638	68638	816		
3	Jhalawar	149128	40902	40902	791		
4	Karauli	141244	47942	47942	596		
5	Sirohi	97690	30509	25547	448		
6	Udaipur	331283	49501	45227	412		
	Total	01203086	319828	294657	3072	0	0

In fact this employment guarantee scheme is an illustration of how the right to work, with an element of guarantee, is crucial for realizing the right to adequate food. Article 41 of the Constitution states, " the State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work."

Living with Hunger: Migrant Labourers in Jaipur

Source: Adapted from a report by Eric Kerbart and Sowmya Sivakumar for Rajasthan Mazdoor Nirman Sangathan and People's Union for Civil Liberties, available at chowktis.tripod.com.

Urban destitution tends to be out of focus in public debates on hunger and food security. A recent study of migrant labourers in Jaipur addresses this gap.

In the summer of 2002, Rajasthan Mazdoor Nirman Sangathan and People's Union for Civil Liberties (Rajasthan) carried out a study of seven *chowktis* of Jaipur. Migrant labourers gather each morning at the chowktis in the hope that they will get work for the day. Thirty-one per cent of the labourers interviewed were landless and 38 per cent were marginal farmers. Also, 45 per cent of those in the sample belonged to scheduled castes and another 13 per cent belonged to the scheduled tribes.

The study made it clear that migration was mainly distress-induced: the labourers were pushed by the lack of employment in villages rather than attracted by higher wages in the cities. Not only is employment uncertain, but when labourers do get work, they are paid exploitative wages. About two-thirds of the men reported getting employment for 15 days or less on an average in a month. Most earned 40-50 rupees per day as wages. Many of them reported having to struggle for their wages, and 35 per cent reported that wages were due to them by their employers. The condition of women is worse: they get less work and get paid less too. Eighty eight per cent of the women reported getting less than 15 days of work in an average month. Women generally get 10-20 rupees less than the men, even when they perform the same tasks. The study brings out the misery and vulnerability of migrant labourers. A quarter of them live in utterly wretched conditions i.e. on footpaths, in shanties, on job sites or in unoccupied housing societies, without any toilet facility or supply of drinking water. For those living in rented houses (64%) the situation is not much better a *basti* with around 40 small houses has just 2-3 toilets, with water supplied twice a day for two hours each time.

Hunger is widespread. Nearly two-thirds of the workers consume 500 grams or less of cereals in a day. *Dal* and oil are luxuries - over three quarters of the workers used just a few drops of oil per day per capita. Vegetables are eaten in minuscule quantities - 40 per cent consumed less than three rupees' worth of vegetables in a day. It simply means that a migrant worker's diet consists mainly of cereals, in grossly inadequate quantities, with little or no nourishment from vegetables or pulses. Case studies also highlighted the problem of chronic hunger - it was not uncommon to find labourers sleeping on half empty stomachs. Women ate far less than the men, and ate after everyone else.

Right to certain minimum conditions of work

VALLEY OF DEATH

Workers in Rajasthan's marble quarries toil in conditions that often lead to injury, disease and death, but neither the mine owners nor the State government has done enough to mitigate their suffering.



The lease-holders of the mines are required to keep 'safety pillars' between the various pits so that the top does not collapse. Unfortunately, they don't comply.

MAKRANA, a small town in Rajasthan, is best known for the pristine white marble that went into the construction of the great monument of love, the Taj Mahal. However, it now attracts attention more for the deaths in the marble quarries.

On an average, five to seven people die, or are seriously injured, every month in the quarries. But few are compensated. While there is no comprehensive data available for all the mines, the Mine Labour Protection Campaign (MLPC), a network that has been organising mineworkers across Rajasthan, has registered 368 complaints of death and injury due to work-related accidents over the past two years. Of these, 87 relate to deaths. Says campaign manager Rana Sengupta: "At least 52 mines collapsed last year. The main reason is that marble is mined along an incline that becomes wider towards the bottom. The lease-holders of the mines are required to keep 'safety pillars' between the various pits so that the top does not collapse. Unfortunately, they don't comply. What makes matters worse is that none of the workers wears a helmet, even though dynamite is used for blasting the rocks. They do not want to wear helmets because of the heat; but it is the responsibility of the employers to ensure that the workers take precautions, whether they wish to or not. Also, no warnings are issued at the time of blasting so that workers can be moved away from the site of the explosion."

According to Bansi Lal, secretary of the Rajasthan State Mine Workers Union, a federation of small unions across the State, luck alone has saved the lives of workers. Major disasters are waiting to happen. Thankfully, most of the collapses so far occurred at night or in the early mornings, before people came to work. According to the Mines Act of 1952, workers are entitled to the provision of drinking water and first aid at the site, free health check-ups, registers of employment, resting sheds, a weekly holiday and so on. But none of these norms is followed. Unfortunately, most workers are illiterate, debt-ridden and hard to mobilise. At any rate, Makrana's workers are better off than their brethren in other districts of Rajasthan and neighbouring Gujarat. According to Deepak Malik, Director of Health, Environment and Development

Consortium, the plight of sandstone workers is the worst as most of them are affected by silicosis and tuberculosis. Silicosis is a lung disease caused by silica dust; it is incurable and has been certified as an occupational hazard through the Rajasthan Silicosis Rules, 1955.

Rule 9 of the Silicosis Rules (1955) requires employers to get workers medically examined before hiring them, followed by a check-up every five years, to check for the onset of silicosis. Rule 10 requires that a post-mortem be performed on a worker who dies of silicosis, so that the family of the deceased can claim compensation. None of these rules is followed, and as a result, the incidence of silicosis is found to be as high as 40-50 per cent among sandstone workers.

Case study

Paipa Ram, who has been afflicted by the disease for 15 years now, believed he had tuberculosis. He says, "I've been in hospital 10 times. My medical file is thicker than my legs. Now I am told it is silicosis. But there is no help. The *maalik* will suck the best years out of us, and then discard us." As in other cases, he has no proof of employment. Nor does he know his *maalik*.



Paipa Ram, a mineworker who is suffering from silicosis.

Along with three of his colleagues, Bhaira, Malla and Shivlal - all of whom are dead now - he filed a case for compensation in 2002, through the Pathhar Khan Mazdoor Union, Jodhpur. Paipa Ram does not expect anything to come of it. When this correspondent asked him what he was going to do next, he broke into a rasping cough, "I'm going to die, what else?"

The authorities' unwillingness to acknowledge the problem is the worst hurdle. Although a State-level Pneumoconiosis Board was constituted in 1976 to check the incidence and severity of silicosis cases, and to facilitate compensation claims of victims, the three-member board never functioned. No medical examinations were conducted and the issue of compensation was conveniently forgotten. There is a common consensus for revising the State's mining policy, ensuring safety and justice for the mineworkers. The first step would be to insist on employment records. Most workers spend their lives working as casual labourers. According to Bansi Lal, employment registers are mostly incomplete, if maintained at all. "Some workers get wage-cards for

attendance, but are not allowed to keep copies of it since this would be against the employers' interests; if the number of workers officially crosses 25, the employer would have to provide for gratuity, maternity leave, and provident fund and so on."

Women also fare worse in the matter of wages; they are paid only Rs.50 a day, which is below the minimum wages in the State. They are told that they do not work 'as hard as the men'. Women form 37 per cent of the mineworkers and children 15 percent. The State's apathy to the health and safety of workers in a sector that brings crores of rupees as revenue is worrying. All attention is directed towards raising production, while the welfare of workers is ignored. In fact, a telling statement of the State government's lack of concern in this matter is its Mineral Policy 2005, **where the welfare of workers is mentioned in one short paragraph at the end.** The document mentions health camps for workers, but serious issues such as accident compensation and occupational disease are not mentioned even in passing.

{7.2} CAGED TO TOIL

Existing studies (*Khan Mazdoor Newsletters*, 2002-03) show that the cycle of indebtedness and bonded labour contributes to inter-generational poverty. In Rajasthan, mining tends to be a family occupation, passed on from father to son. With bonded labour, sons frequently inherit their father's debt. Rajasthan occupies the fourth rank after Uttar Pradesh, Haryana and Punjab in terms of the number of bonded labourers. The number of bonded labourers in Rajasthan today stands at a whooping 5 lakh approximately (Source Rajasthan Patrika, 4th march 2005). The foremost reason behind people being caught in the trap is poverty; nearly 95 per cent of these labourers are Dalits and tribals



In Rajasthan, mining tends to be a family occupation, passed on from father to son. With bonded labour, sons frequently inherit their father's debt.

{7.3} RIGHT TO HEALTH

Health is defined in many international human rights instruments as a complete state of physical, mental and psychological well-being and not merely the absence of

disease or infirmity. The Indian Supreme Court has interpreted Article 21 of the Indian Constitution to incorporate a similarly expansive view of the boundaries of the right to health.

The Constitution deals with the subject of health in a substantive manner under the Directive Principles of State Policy through which it mandates the State to take measures to improve the conditions of health care for the people. Article 39 imposes an obligation upon the State to direct its policy towards ensuring that the health and strength of people are not abused. Similarly article 47 enjoins the State to raise the level of nutrition and standard of living of its people and improve public health.

Despite progress since independence, health provisions in Rajasthan are still poor, both in absolute and relative terms. The target of 'Health for All by the Year 2000', set at the Alma Ata conference in 1978, had not been reached by 2000. However, the government norm of six sub-centres to a primary healthcare centre has not yet been reached in the State.

The health situation in Rajasthan is still characterized by a gender imbalance, which manifests in poor indicators such as low life expectancy and high infant and child mortality for girls, and unequal healthcare provision (GoR, 2002). Girls are often discriminated against in the distribution of food and nutrition. The low value accorded to women and girls and restrictions of mobility often results in poor access to healthcare services and a lack of information on reproductive health issues.

The child sex ratio in the State was recorded as 909 in 2001 compared to 916 in 1991,

(The child sex ratio is defined as the number of girls per thousand boys in the 0-6 year age group). The decrease of 7 points at the state level is a serious concern.

Out of 32 districts, 21 districts reported a decline. None of the districts has recorded a child sex ratio favouring girls.

Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and its functions and processes. The level of awareness of women regarding reproductive health and problems related to it continues to be abysmally low in Rajasthan. In the State young girls enter the reproductive phase of their lives as victims of under-nourishment, anaemia and fatigue. Their health risks increase with early marriages, frequent pregnancies, unsafe abortions and sexually transmitted diseases. Choices regarding marriage, childbearing and contraception are denied to women. Lack of access to functional reproductive health services contributes to high maternal mortality. Most deliveries are still carried out by untrained birth attendants especially in the rural areas where there is no effective system of referral or management incase complications arise. Though there has been widespread increase of infrastructure services in the State during the past

decades, access to these facilities is still varied resulting in very slow change in the mortality rates.

Rajasthan also recorded the highest maternal mortality ratio, the third highest total fertility rate and the fourth highest infant mortality rate among the major states in India in 2001.

According to the National Family Health Survey (1998-1999), the IMR in Rajasthan is 83, which is higher than the national average of approximately 70 per 1,000 live births. There are striking rural urban differences in infant and child mortality, with rural infant mortality rates higher, at 83, than urban rates of 70. A similar pattern is reflected in the U-5 MR figures, where the rate for the State is 115, but where the rural rate is significantly higher at 121. **The IMR of children belonging to Scheduled Castes and Scheduled Tribes is 98.4 and 95 respectively compared to an IMR of 81 for children belonging to other castes.**

The high incidence of infant and child mortality is an important indicator of childhood poverty in Rajasthan. Institutional deliveries take place only in the case of complications. Poor people often consult unqualified doctors even in cases of serious illnesses among children. Lack of access to inputs such as food and healthcare are associated with a higher probability of children dying between birth and one year of age. In the year 2005, 13 lakh 2027 deliveries took place in Rajasthan out of which 773 women delivering the babies died. Till today 70% of the deliveries in the rural Rajasthan take place at home under grossly inadequate medical attention and unhygienic conditions.

(Source 20th March 2006, Dainik Bhaskar)

Although 88 per cent of all dwellings in the State have been provided with access to a source of drinking water, 25 per cent of the population is exposed to high levels of fluorides, nitrates and salinity in drinking water. There are also a number of water-borne diseases resulting in poor health outcomes. In Rajasthan, more than one-third (36 percent) of women have a Body Mass Index (BMI) below 18.5 which indicates a high prevalence of nutritional deficiency. Of the 88 per cent of women in the State who were tested for haemoglobin levels, 49 per cent had some degree of anaemia (NFHS-2, 1998-99). **Recent official reports show that the incidence of malnutrition in Rajasthan is high despite great improvements in food production and distribution.** The prevalence of child malnutrition increased from 42 per cent in 1993 to 51 percent in 1999. In 1998-99, NFHS-2 recorded that 51 per cent of children under the age of three were underweight, 52 per cent were stunted and 12 per cent were wasted. Approximately 30 per cent of new-borns have a low birth weight and, even if they survive, they start life at a disadvantage because low birth weight is a significant underlying factor in the death of infants. Average birth weight remains low at between 2.5 and 2.7kg; nonetheless 30 per cent of live births fall below this range (NFHS-2, 1998-99; GoR, 2003a).

Health and nutrition indicators for both children and mothers are clearly low in Rajasthan half of children are undernourished; 49 per cent of women are anaemic; more than a third of women have low BMI; and a third of children have low birth weight. Besides there was a constant increase in the number of malaria, dengue, viral and diphtheria cases in the year 2004, with nearly 14000 malaria & dengue cases being reported in the State.

Fluorosis {Crippling Human Life in Rajasthan}

The problem of high fluoride concentration in groundwater resources has now become one of the most important health-related geo-environmental issues in India. Rajasthan is one State where high fluoride groundwater is distributed in all the 31 districts and is influenced by the regional and local geological setting and hydrological conditions for the fluoride contamination. Studies have shown that nearly three million people are consuming excess fluoride-containing water; as such, the problem of both dental and skeletal fluorosis is widespread, especially in the rural population and in children. (Source: Ground water quality-focus on fluoride & fluorosis in Rajasthan, Department of geology, M.L.Sukhadia University,Udaipur)

94% of all drinking water supply schemes in Rajasthan are based on groundwater. According to public health engineering department all the 222 urban towns and 37,631 out of the 37,889 villages are covered under drinking water supply schemes in Rajasthan. In 2001 PHED conducted a detailed survey for assessment of actual extent and magnitude of problematic villages / habitations in Rajasthan. The analysis of water has been carried out for TDS, Fluoride, Arsenic, iron nitrate and chloride. The survey covered 37,889 villages and 42,478 other habitations out of 56,057 habitations. A total number of 75266 samples were collected and analyzed only 32,914 were found to be potable according to Central Public Health Environment and Engineering Organization guidelines for drinking water. This indicates that only 38% villages and 44% other habitations have sources having potable water throughout the state. Other sources are contaminated with one or more type of chemical/s above permissible limits. Fluoride-affected villages/habitations constitutes nearly 27.45 % of the total villages/ habitations surveyed, all the 32 districts are endemic to fluoride problem. The worst affected districts are Jaipur, Nagpur, Barmer, Bhilwara, Rajsamand, Dausa, Jodhpur, Alwar, Tonk, Churu, Pali and Ajmer. In 1991 there were 19.9 % villages / habitations having excess fluoride in groundwater, which increased to 27.5 villages/habitations in 2001.

Total population affected due to excess fluoride in groundwater in the State is 107.29 Lac. The district with highest population affected by the disease is Barmer followed by Churu, Nagaur, Bhilwara, Ajmer and Pali. The socio-economic ramifications on the population affected by fluorosis are tremendous. High fluoride levels in drinking

water sources in several parts of the State have resulted in severe stunting and congenital defects in people consuming the water. Although there is awareness about the problem, there have been few interventions. At the national level there has been extensive research carried out on the subject. Research has resulted in improved defluoridation techniques. However the initiatives undertaken in Rajasthan are much too few. Fluorosis is yet to be prioritized in the health agenda.

(Source: Crippling human life, a study of the effects of fluorosis on the people of Rajasthan, Dec 2003)

What the NHRC's Annual report {2003-04} says in this regard

Fluorosis

The Commission's attention has been drawn to fluorosis, a painful and crippling malady which affects multiple tissues, organs and systems. The disease is traceable to excess fluoride ion levels in the drinking water. An expert study available with the Commission has revealed that there are 196 endemic districts in 19 States. Based on discussions with experts in the field, the Secretary General of the Commission addressed letters to the Chief Secretaries of these States as well as to the Secretary, Health, Government of India seeking the information on the number of hospitals in their States which presently have adequate infrastructure for diagnosing fluorosis correctly with details, about District Hospitals, Teaching Hospitals, General Hospitals in State capitals and what Investigations/ Tests are done for the correct and early diagnosis of Fluorosis in their State, and further, what would be the cost involved in the setting up of the infrastructure for a Fluorosis diagnostic facility per hospital in their States. The Commission has received responses only from the State Governments of **Gujarat, Haryana, Karnataka, Maharashtra, Orissa, Punjab, Uttar Pradesh and NCT of Delhi**. The Commission notes with concern the lack of response from the State Governments (& Rajasthan govt is one of them) on an issue which has a direct impact on the lives of people who are deprived of one of their basic rights i.e. right to clean drinking water and which results in untold miseries to a large population located in remote areas of the country. (Source: NHRC Annual report 2003-04)

Adulteration

There are many incidents pertaining to adulteration that affect health of the people. In Jaipur, 20 % stuff being sold at sweet and grocery shops is adulterated. Due to shortage of staff in the concerned Government department responsible for checking this, adulterated stuff is being openly sold in nearly 55 thousand shops of the city. Up till June 2000 there were 17 food inspectors but now there are only 2 posts for the Jaipur district. On an average one sample is collected for testing in three days in Jaipur.

(Source: Dainik Bhaskar 21st Sept 04)

HIV-AIDS Menace

HIV AIDS is a serious threat to the well being of mankind as a whole and India has been declared as a country with the maximum number of HIV infected people (2006) by the UNAIDS with nearly 5.7 million cases. Though Rajasthan is not among the high prevalence list of States, but it is definitely in the list of highly vulnerable States.



250 AIDS patients, over 50,000 HIV positive in Rajasthan

(Source- <http://www.expressindia.com/news/daily/20010121/02001901.htm> Sunday, January 21, 2001)

JAIPUR: As many as 250 AIDS patients and 50,470 HIV positive cases have been found during the last 13 years in Rajasthan, SMS Medical College and Hospital Professor Dinesh Mathur has said. Also, 15-20 per cent of the State population suffers from various skin diseases and about ten lakh such cases are reported annually. There was no accurate data on deaths due to AIDS in Rajasthan. As such deaths were generally concealed by relatives of such patients due to fear of social stigma, he told media persons here yesterday. However, as per the data available with the skin department of the SMS Hospital, about five AIDS patients were suspected to have died during the last one year, he added.

AIDS cases in the State were mostly reported from among migratory industrial workers from Jhunjhunu, Sikar and Pali in Shekhawati region, who normally went to Mumbai, Kolkata and Madras for employment, Dr Mathur informed. He said the number of leprosy patients had remained constant for the past two decades at the department, ranging between 30-40 patients per month.

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INDIA: Poverty, Gender Imbalances A Lethal Mix for HIV/AIDS

*Inter Press Service - July 5, 2004
Patralekha Chatterjee*

HASAMPUR, India, Jul 5 (IPS) - In this village in India's northwestern State of Rajasthan, Kamla, a woman in a long and flowing sequined skirt and a bright pink headscarf speaks of the hurdles in spreading awareness of HIV/AIDS among other village women. It is not an easy task. Most women in Hasampur are illiterate. In a milieu that is unashamedly

patriarchal. Sex remains a taboo subject that cannot be discussed openly even though it is unsafe sex that drives India's HIV/AIDS epidemic.

"We try our best, with what we know and the weapons we have -- a smile, jokes. I have never brought up the subject directly -- I point to my four children, look at him lovingly, and ask him (husband) to be careful when he is away from the family." says 30-year-old Kamla, whose husband, a poor farmer, left the village to work as a loader in one of Delhi's prosperous satellite towns.

The challenge of disseminating information that can shape sexual behaviour is compounded by the difficulty of sounding the alarm in a place like Rajasthan, a desert State, officially classified as one with low HIV prevalence in this country of one billion-plus people. Some 5.1 million people are living with HIV in India, according to 2003 figures released this week. Indeed, as the pandemic continues to spread from the cities to villages and beyond groups with typically high-risk behaviour to the general population in India -- including monogamous married women -- the real test in India's battle against HIV/AIDS lies in what happens in villages like Hasampur, in the vast countryside where 70 percent of the population lives.

The number of sentinel surveillance sites - areas that are monitored by the government and are the source of official data on HIV/AIDS -- has increased from 184 in 1998 to 455 in 2003. But government-run clinics on sexually transmitted diseases and antenatal centres do not always pick up information about the vulnerable. "We do not really have data on HIV/AIDS in rural India, except what we get from sentinel surveys," says Dr S N Mishra, an Indian public health analyst, specialising in HIV/AIDS.

"There is better representation of such sites in rural areas today compared to the past. But a lot of patients (of sexually transmitted infections) go to private doctors and quacks and most village women deliver at home, sidestepping the antenatal centres," Mishra adds. "The prevalence of HIV/AIDS is good for epidemiological purposes. But vulnerability and risk should form the basis of planning for prevention and care and support programmes." Migration, a traditional survival mechanism in much of rural India, is a crucial factor in understanding the unfolding epidemics in the country. Unable to eke out a living in the villages, more and more farmers with small landholdings are leaving the countryside and heading for the big cities. A significant percentage of migrants come from Rajasthan, Uttar Pradesh, Bihar and Orissa -- States where HIV/AIDS is not perceived as a major problem. Many of them head for the mega cities like Mumbai, located in what India's National AIDS Control Organisation (NACO) terms "States with high HIV prevalence".

The Indian States classified as having high HIV prevalence - Tamil Nadu, Andhra Pradesh, Karnataka, Maharashtra, Manipur and Nagaland -- are given high priority in programmes and policies. They get the chunk of donor attention because they have prevalence rates exceeding five percent among groups with high-risk behaviour and one percent among women attending antenatal clinics in public hospitals. In States perceived to have moderate or low HIV

prevalence, the general perception is that there is 'no problem' there. Here, in the parched Rajasthan, a severe drought in the last four years has given new urgency to HIV/AIDS prevention measures. The village of Hasampur falls in Sikar district, which does not have a single sentinel surveillance site.

Hasampur's health problems are not captured in official surveys. But the sleepy village encapsulates much of what makes India so vulnerable to HIV/AIDS. Like many villages in India, Hasampur is at high risk due to its lethal mix of glaring disparities between men and women, untreated sexually transmitted infections and low literacy, poverty and increasing migration. In such a situation, outreach workers and peer educators like Kamla have to constantly innovate to convey what the high risks villagers face in this desert State famed for forts, frescoes and magnificent mansions called 'havelis'. "It is not easy discussing diseases which cannot be talked about in our society. It is not easy being a migrant's wife," she tells IPS. "And it is certainly not easy asking your husband about other women when he comes home just for a few days every three to four months." Meetings among village women are held at homes when the men are away, at odd hours, and messages conveyed through brochures with graphic visuals of symptoms of sexually transmitted diseases.

But Kamla is optimistic. As a peer educator for the demonstration HIV/AIDS and Migrants of Rajasthan Project (HAMARA), an Indo-Canadian initiative, she is part of the change underway in Hasampur. Jugnaswamy, an HAMARA outreach worker, says that the project in partnership with the Rajasthan government has stepped up awareness about sexually transmitted diseases and HIV/AIDS among migrants, their spouses, and "potential migrants" in 133 villages in three districts of Rajasthan. When discussing sex-related topics in a conservative milieu, Jugnaswamy says, "The starting point has to be through conversations about general health. I began by going from door to door, meeting the village women and asking them about their day-to-day problems."

More AIDS testing centres planned

Special Correspondent
The Hindu
Apr 24, 2006

NEW DELHI: The National AIDS Control Organisation (NACO) will open 400 more testing centres in several States across the country, primarily in the Central and Northern parts including the densely populated Uttar Pradesh and Bihar.

The other States where such sentinel sites would be opened for detecting the prevalence of HIV/AIDS among pregnant women and people suffering from sexually transmitted diseases are Rajasthan, Orissa, Madhya Pradesh, Chhattisgarh and Jharkhand, NACO Director General Sujata Rao told reporters here on Sunday. With this, the number of testing centres would go up from 750 to 1,150, Ms Rao said at the conclusion of a three-day National Conference on Research in HIV/AIDS Gaps, Priorities and Strategies.

The HIV prevalence among the sexually transmitted diseases patients increased significantly over the previous year in Delhi, Rajasthan and Orissa but the number fell significantly below 1 per cent in Tamil Nadu. The prevalence in Nagaland and Manipur showed an increase.

{7.4}RIGHT TO EDUCATION

The importance of education has been recognized in Indian policy making from the very beginning. Article 45 of the Constitution of India stipulated that the State would endeavour to provide, within 10 years, free and compulsory education for all children below 14 years of age (DP). As per the 93rd constitutional amendment 2001, article 21 will be followed by article 21 A, stating that the State shall provide free and compulsory education for all children between the age of six to fourteen years.

Rajasthan continues to present challenges in terms of educational access, enrolment and achievement. Problems exist on both the supply-and-demand sides of primary education. On the supply-side, problems include the availability of functioning schools in remote areas, teacher absenteeism, a lack of female teachers, poor quality education and inadequacy in upper primary schooling infrastructure. While great progress has been made in the provision of schooling facilities in the State in the past decade, in many areas villages are divided into separate hamlets. Children from one hamlet might be unable to go to school in another hamlet because of the distances between hamlets. Even when school facilities are available, they are often inadequate in both quality and quantity terms. For example, there are single-teacher schools, which also lack basic facilities like blackboards. There is the problem of teacher absenteeism in remote areas, which relates to the unwillingness of teachers to be posted in remote rural villages. Given the socio-cultural environment of Rajasthan, the lack of women teachers has a negative impact on the enrolment of girls because many parents want their daughters only to be taught by female teachers. The lack of upper primary schools is also a major concern, especially for girls, as many parents are reluctant to allow their daughters to attend school outside their village. On the demand-side, there are problems of gender discrimination, lack of community participation in education and the inability of poor families to send children to school due to the opportunity costs. While there is evidence of growing parental interest in education in the State, there is a distinct gender difference in the educational aspirations for boys and girls. Marriage continues to be regarded as the ultimate goal for a girl and educating girls is therefore not a priority. While community participation in education has been prioritised in many educational programmes in the State, real participation of communities in school-level activities continues to be low.

Problems of access to schooling for children from deprived communities, such as Scheduled Castes, Scheduled Tribes and minorities, are further exacerbated by poor quality teaching and educational facilities and a lack of effort in making the school an inclusive space. The poor academic performance of such children is often attributed to parents' lack of interest, their drunkenness and their failure to create a 'home' environment, which is conducive to learning. An analysis of the factors preventing children from accessing

schooling indicates that poverty is highly significant across all States. A number of scholars have focused on levels of educational achievements by different income groups (Minhas, 1992; Visaria - et al, 1993; Majumdar and Vaidyanathan, 1994). There is a clear pattern of low levels of educational attainment among the poor sections of the population compared to the rich. Tilak (1996), on the basis of National Sample Survey data, notes that mean years of schooling systematically increases with increasing levels of household income. The mean years of schooling increases from 2.3 for the poorest group to 6.4 for the richest group. The poorest women have 0.9 mean years of schooling, while the mean of the top 20 per cent of men is 10.8 year, ie 12 times more years of education. Poor parents face particular constraints: they have less money to pay for schooling, a greater need for children's labour, less ability to create a learning environment at home, and greater difficulty in establishing a rapport with teachers. Dropout rates are highest among the poorest households and lowest in the richest households. Poor children who drop out of school often lapse into illiteracy, which increases the likelihood that they will be trapped in long-term poverty as adults. Recent surveys indicate that the rates of fees, books and clothes are a major financial burden for poor families with several children of school going age, and play a significant role in discouraging them from sending children to school. For instance, only a minority of children were found to be in possession of all the textbooks required by their grade (Tilak, 1996). The Social Assessment Studies carried out in District Primary Education Project (DPEP) districts in Rajasthan also reported that the most frequently cited reason for non-enrolment of boys was that schooling was 'expensive' (IDSJ, 2000). Using data from National Council for Applied Economic Research (NCAER) survey conducted in 1993-94, Tilak (2000) shows that dalit households, even in rural areas, incur sizeable expenditures, even at the primary level, for books, stationery and uniforms. On an average, households spend around 303 Rupees per student per annum at the elementary level in government schools. The expenditure per student is marginally higher in government-aided schools (325 rupees), and significantly higher in private unaided schools (757 Rupees), which is out of reach for the majority of dalits. Given the limited number of options available, parents use different strategies to optimise schooling. A common strategy is to send sons to private schools and daughters to government schools (PROBE, 1999; Banerji, 2000). There is a general perception that the quality of private education is better than that of government schools.

Caste based discrimination in schools

The schooling system does not treat different sections of the population equally. The two-tiered education system of public and private schools, where different types of schooling opportunities are available to different sections of population, is one manifestation of social discrimination. Differentials also exist in facilities within the government schooling system. The infrastructure in some government schools in wealthier areas is much better than in those in deprived

villages. Furthermore, social discrimination against deprived groups takes place according to class, caste and gender at various levels of the education system. Indeed, even within the same school children of different backgrounds are often treated unequally (PROBE, 1999). Discrimination sometimes takes hidden forms and is often reflected in the attitudes of teachers. Higher caste teachers continue to consider Scheduled Caste children as 'uneducable', refuse to touch them, make them feel unintelligent and inferior, target them for physical and verbal abuse and use them to do menial chores (PROBE, 1999; Sainath, 2001). Nambissan (2001), in her study on social disparities in schooling in rural Rajasthan, notes that teachers appear to have definite views of children coming from these castes and communities. Teachers regard dalit children as having inherently poor scholastic abilities because of their caste status and their parents as lacking interest in their education. Although teachers denied discriminating against different pupils, some dalit children said that they were not allowed to drink water from the common water pitchers.

A study by a local NGO, Vishakha, of inclusion and exclusion in schooling in two districts of Rajasthan found that the schools do not provide a free and open environment for children to develop (Vishakha, 2002). Instead, conservative notions and caste biases are the norm rather than the exception. Teachers carry the caste biases of the society into schools. They often complained that the influx of dalit students reduced the overall performance of the school with respect to examination results. The study also found that teachers do not drink water carried by dalit students, and that dalit girls have to clean the school premises and dirty utensils used by teachers. Teachers force girls to sit separately from boys, and dalit students have to sit in the back rows of the class. Teachers do not intervene when dalit children are treated with disdain by other children. They believe that dalit students have grown up in an environment that is not conducive to learning and that they are therefore incapable of learning and understanding. The study points to a '**hidden curriculum**' which reiterates caste identities, and seems to pervade the cultural environment of the school given the widespread prejudice that teachers have towards children of these communities. Balagopalan and Subramanian in their study (2003) found that the formal mechanisms set up to promote parent teacher interactions, like the village education committees, were ineffective in the dalit schools which they studied. The most marginalised dalit adults generally dissociate themselves from schools, which is not surprising, given that most of them never went to school themselves. Ramachandran (2002) supports the view that parents of dalit children are uncomfortable about visiting schools. Because they are the poorest in the community they do not readily participate in the school forums and other bodies. Even if they are members, they rarely speak in meetings.

Discrimination against girls in education

Girls in Rajasthan suffer from various cultural prohibitions, which deprive them of education. It is important to identify

the specific norms and processes by which such deprivation takes place (Rajagopal, 2000) in order to effect changes in the existing conditions. One cultural factor that prevents girls from achieving higher levels of education is the belief that too much education would lead to girls making their own decisions and disobeying their parents. Parents also report the difficulty of finding an educated husband if the girl is educated. In many villages where the schools are situated at a distance from their homes, parents are unwilling to allow their daughters to travel to school alone. Many girls are also withdrawn from school after they reach puberty because parents are concerned about their sexual vulnerability. Furthermore, child marriage is still practiced among several Scheduled Caste communities, and leads to the withdrawal of girls from school. Although these young girls are only formally sent to their marital homes when they reach puberty, their parents-in-law often refuse to allow their daughters-in-law to study, although they remain with their parents.



Many girls are also withdrawn from school after they reach puberty because parents are concerned about their sexual vulnerability

As a result as per the 2001 census the literacy ratio in the State is very disappointing

	FEMALE	MALE
Rajasthan	44.3%	76.5%

Inter district variations and gender disparities across the State indicate that the literacy rates among males are almost on par with the all-India level but the female literacy rate lags behind the national average for females.

{7.5}OUTCASTES IN THEIR OWN LAND

Minorities in India, in general, unlike elsewhere, are socially, politically and economically weak; therefore their resistance against violations of human rights has remained passive.

And this holds true in the case of Rajasthan. In the absence of genuine State interest for the welfare of the minorities the State investment for the welfare of the minorities has been minimum. Currently the trend in the State investment for the welfare of the minorities is on the decline. In fact, the State has been practicing a subtle discrimination against the

practitioners of minority religions in general and those belonging to weaker sections among the minorities in particular, specially under the BJP led government with its Hindutva agenda. Weaker sections within the minorities continue to be the worst victims of human rights violations. For, instance, the practitioners of Hindu religion belonging to Schedule Castes were entitled for reservation benefits from the adoption of the Constitution in January 1950, others like Sikhs, Buddhists got the reservation benefits later. For dalit Muslims and Christians even today justice is beyond reach and denial operates even today in the case of their human rights and their advancement. Thus within the minorities the weaker sections have remained weak. And if the present scenario continues then they will be facing new threats. As a result the social, political and economic rights of the minorities in Rajasthan are violated in different degrees at the community as well as at the individual level.

A very strong testimony of that is the recently presented Controversial ***Relegious Conversion Bill*** by the BJP led Rajasthan govt. The Rajasthan governor returned the bill, passed by the Rajasthan State assembly, asking the BJP-led government here to get it cleared first from the President of India. Minority organizations and human rights groups strongly believe that it is a Draconian Legislation and violates the Constitutional provisions of Freedom of expression and Religious freedom under section 19(1) and 25(1).

{8}OTHER ISSUES

{8.1}Differently Abled made Disabled by the State

Disability is a relative term because different cultures define their norms of disability differently. The title "disability" conceals behind it a loosely connected heterogeneous group of many disabilities. For instance, being a woman, low caste, poor and ethnic minority are some commonly perceived disabilities and across the cultures, persons having physical or intellectual challenges are also considered disabled, though are rarely counted amongst those requiring protection against discrimination for equal enjoyment of rights and citizenship. Social values, norms and attitudes are not static and are liable to change, depending on a wide range of factors and forces that operate at macro and micro level. Consequently, the formal notion of disability has undergone a revision to accommodate the change. Article 15 of the Constitution of India prohibits discrimination on grounds of religion, race, caste, sex or place of birth. The National Commission to Review the Working of the Constitution (2001) suggested the extension of the prohibited heads of discrimination to include ethnic or social origin, colour, age, language, political or other opinions including property and birth. However, disabilities on account of physical and intellectual challenges have not been included in the recommended list of prohibited heads of discrimination.

As per the 2001 census Rajasthan occupies the **sixth** rank among the States in terms of the number of the disabled

people by constituting 6.45 per cent of the total population of the disabled in 2001. The desert State has a population of 14.11 lakh suffering from various impairments. Among the disabled, the highest number i.e. 53.4 per cent people were suffering from visual impairment. The number of disabled people in Rajasthan is far more in the rural areas than in the urban regions. While 11.09-lakh disabled people reside in villages across the State, the towns and cities had a population of 3.02 lakh disabled in 2001. Highest percentage of disabled population to the total population of the district was enumerated at 4.27 in Pali, followed by 3.92 in Jalore. The two districts in south-western Rajasthan are situated adjacent to each other.

Despite all the tall claims made by the state government of Rajasthan, the condition of differently abled people in the State is very disappointing. As per the Disabilities Act of 1995, there are no ramps in public places; in educational institutions there is severe dearth of suitably qualified teachers for the mentally challenged students. Not only this, the post of doctor in the State run hospital Sawai Mansingh, who has to issue the disability certificate after examining the patients is vacant for years now. If this is the condition in the State capital then one can very well imagine the conditions in the other districts.



Even if some how a differently abled manages to complete his/her school education, there are hardly any provisions for him to pursue higher education because none of the universities in the State has put in place an appropriate educational rehabilitation curriculum for the differently abled.

Some time back parents of differently abled children had started a movement demanding setting up of special schools for such children, in every district but nothing was done to address this demand. To address the employment needs of the differently abled the State had established an employment office way back in 1975, but for many years now no differently abled has been provided employment through this body nor are they being provided any unemployment allowance as is mentioned under the Act.

Even if some how a differently abled manages to complete his/her school education, there are hardly any provisions for him to pursue higher education because none of the universities in the State has put in place an appropriate educational rehabilitation curriculum for the differently abled. {Source: Rajasthan Patrika, July 8 2005 }

{8.2} "STUCK IN SLEAZE KNEE DEEP"

Corruption acts cost more than 5% of the world GDP and corruption is the biggest obstacle to development according to the World Bank. Politicians and bureaucrats have lorded over this country for over five decades keeping up and in fact adding to the oppressive and draconian laws that were imposed upon us by the colonial masters. Though India essentially has a democratic political system, the ordinary citizen has to comply with a plethora of laws, rules and regulations and please (Bribe) a battery of officials even to gain access to basic services and amenities. The processes and procedures are so burdensome that the time and resources required to comply with them are simply beyond the means of the average citizen. In addition, the administrative system inherited from the British only perpetrates sycophancy bordering on slavery. There are various incidents that are a testimony to the widely prevalent practice of red tapism & corruption in Rajasthan as well. Corruption, especially, in the government departments is rampant in the State.

Author's update, June 2004: A release issued by the Press Trust of India on June 27, 2004 says that Rajasthan Chief Minister, Vasundhara Raje met Prime Minister Manmohan Singh and demanded a special package from the Centre for the development of 16 desert districts of the State. This demand comes days after a similar special package extended to hilly States of Uttaranchal and Himachal Pradesh. The CM asserted that one of the objectives for demanding the special package is to arrange "additional funds for early completion of the Indira Gandhi Nahar and Narmada Canal Projects". She said these projects were vital to meet the water needs of the desert areas. Amongst other ministers whom Raje met were Union Finance Minister, Water Resources Minister and Agriculture Minister.

This extraordinary request by Rajasthan CM has come within the span of six months since Jaswant Singh, an ex-minister of Finance extended Rs 387 crores (Rs 3.8 billions) assistance to Rajasthan in December 2003. Almost the entire assistance was drained out to Gujarat when Rajasthan helped the cash starved Sardar Sarovar Project with Rs 312 crores (Rs 3.12 billions) after it received this assistance from the Central government. The other issue of concern is also the amount of corruption within the irrigation department in Rajasthan. A look at the CAG report for Rajasthan (Civil) illustrates how the major projects like Indira Gandhi Nahar Pariyojna and Narmada Canals Project have become a haven for corrupt practices. The question is, how long will the Centre keep underwriting corruption by way of these special packages that may drain out of the desert districts to other friendly State governments? (Source: www.India.together.org)

MONEY FOR NOTHING

While much of the attention around the Sardar Sarovar Project has been focused on Gujarat, Maharashtra and Madhya Pradesh, there is a lot to be learned by looking at the ways things have turned out in Rajasthan too. That State was promised enough water to irrigate 0.135 million hectares of land in the Narmada Water Dispute Tribunal Award. Recent propaganda material speaks of additional drinking water benefits to 124 villages, many in Jhalore and Balmer districts. For these benefits to be realized, Rajasthan needs to build 74 kms of branch canals and 1403 kms of distributary network canals.

All this, of course, costs money. As per original cost estimates, Rajasthan was required to pitch in Rs.4675.3 millions, about 40% of this for construction of canals and the remainder as payment to Gujarat as the State's share in the costs of the overall project. By 1996-'97, this estimate had risen to Rs.5522.2 millions, nearly a fifth higher than what was originally planned. And as on March 31, 1999 the Rajasthan government had spent Rs.502.8 millions on works undertaken in Rajasthan; it has paid Rs 1079.8 millions as shared cost in the project to Gujarat and other nodal agencies. Are these costs consistent with the projected total? Sadly, no. While the benefits from the project to Rajasthan still remain in the distant future, there is plenty of evidence that the spending is way off track, partly because of corruption in the irrigation department. In a recent report, the Comptroller and Auditor General of India presented a detailed analysis of the scam-tainted department. The CAG report for the year ended on March 31, 1999 for Rajasthan (Civil) and it details how authorities have already spent on construction of road bridges twice the amount estimated, on buildings seven times the estimate, and on constructing a siphon across the river Sukhi eight times the amount originally planned.

(Source: www.indiatogether.org, By: Himanshu Upadhyaya, an independent researcher working on Public Finance, Public Accountability issues.)

{8.3} MOLESTATION OF NATURE

Environmental Effects of Urban Traffic - a case study of Jaipur City

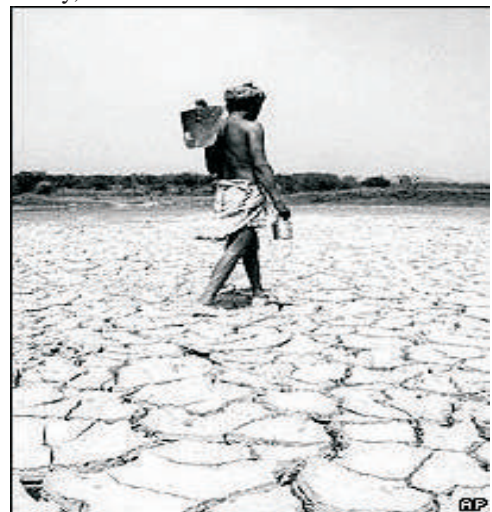
Jaipur, which is one of the twenty three metropolitan cities in India, with a population growth rate of 49% per decade, is also encountering similar problems. The city besides being the capital of Rajasthan is also a major tourist centre of the country. The city has developed in a rather imbalanced form. While most of the economic activities are located in the walled city area, the residential colonies are growing in western and southern parts, which are far off from the walled city (the main centre of activities). This imbalance in the location of jobs and residences over space coupled with inadequacy of public transport system generates huge volumes of intermediate and personalized traffic especially on arterial roads, with growth rates of traffic volumes ranging between 6-12% per annum.

It was found that significant numbers of population were affected by air and noise pollution (94.3% and 34.8% of total population respectively). 52.7% of total population lying in 0-425 m buffer zone was affected by all air pollutants and 41.6% of total population lying in 425-1500 m buffer zone was affected only by suspended particulate matter only. 2.3% of total population lying in 0-30 m buffer zone was affected by noise pollution, the minimum noise level being 60 dB and 32.6% of total population lying in 30-250 m buffer zone was subjected to noise level ranging from 50-60 dB. Thus, 2.3% of total population (57,587) was subjected to maximum air and noise pollution. With increasing vehicular traffic the impact of noise and air pollution would increase within this buffer zone (0-30 m) on the existing population.

The maximum intensity of noise and air pollution was recorded at Hawa Sarak, M.I.Road and Jhotwara Road. The high intensities of pollution in the above-mentioned roads was mainly due to connection of these roads directly to commercial areas, industrial areas and offices. J.L.N. Marg where the Rajasthan University is located also has high intensity of pollution during office hours because this is the only road linking the residential areas with the State and Central offices and business centres. Agra Road also has a high intensity of pollution since it carries heavy inter-State traffic.

{8.4} PARCHED STATE

The politics of drought declaration are multiplied when the village level allocation of works and budget is decided. Party affiliation becomes the basis for access to relief fund. Manipulations and misinterpretations of rainfall data can make a district non-eligible (or eligible) for drought relief work. All this suggests that the process of drought declaration has effectively become a routine heavily politicized, exercise of bureaucracy, based on "other" considerations.



Manipulations and misinterpretations of rainfall data can make a district non-eligible (or eligible) for drought relief work

Both Central and State Governments have initiated many meaningful programmes to increase access to food. The most popular ones include: provision of 25 kg of wheat or rice at low prices to families below poverty line (BPL), allocation of 3 kg of food grains per child per month for school children in classes between I and V, provision of two bags of wheat kept with village Sarpanch for free distribution to a person or household in the village not having access to food and starving, etc.

The main shortcoming of these programmes is that they only target the poorest in the population. Apart from the BPL population, where chronic food shortages prevail, even households not normally deprived of food are rendered vulnerable in the regions prone to droughts. In terms of social category based on caste and class distinctions, the general understanding is that the scheduled tribes, agricultural laborers and the marginal and small farmers are the most vulnerable section. Not only actual food distress, but even the threat of future food shortages can become a powerful instrument in shaping the behavioral patterns of those affected by it. Children are the first affected by this distress, as they are forced to join the labour force (Mathur and Jayal, 2003). Future policy and programmes should take cognizance of these issues. The other shortcoming of the State response is that it is relatively less sensitive to livestock issues. The State is neither supportive of people's traditional strategy of animal migration nor of building buffer stocks of fodder. To build a fodder bank in the State, special steps should be taken during a good agriculture year within Rajasthan, and by neighboring States together to provide fodder at lower cost and stock it in areas where it is most needed. The present policy of supplying water during drought needs a drastic change, as it is neither economically feasible nor sustainable. The root of the problem lies in the depletion of groundwater, meeting more than 90 % of rural drinking water needs. It requires serious review of the Water Policy of the State (Rathore, 2003).

{8.5} DRINKING THE WORLD DRY

Coca-Cola established a bottling plant in the village of Kaladera in Rajasthan somewhere in the end of 1999. Rajasthan is well known as a desert state, and Kaladera is a small, impoverished village characterised by semi-arid conditions. Farmers rely on access to groundwater for the cultivation of their crops, but since Coca-Cola's arrival they have been confronted with a serious decline in water levels. Locals are increasingly unable to irrigate their lands and sustain their crops, putting whole families at risk of losing their livelihoods.

Local villagers testify that Coca-Cola's arrival exacerbated an already precarious situation. Official documents from the Government's water ministry show that water levels remained stable from 1995 to 2000, when the Coca-Cola plant became operational. Water levels then dropped by almost 10 metres over the following five years. Locals now fear that Kaladera could become a "dark zone", the term used to describe areas that are abandoned due to depleted water resources.

(Source: Joe Zacune, May 2006

<http://www.waronwant.org/>)

{8.6} VENOMOUS MOCKTAIL

Due to the failure of the sewage treatment plan in Jaipur city, 10 lakh residents of 100 colonies near the Amani Shah drain are consuming polluted water leading to chronic stomach ailments.

This revelation was made when the Rajasthan Pollution Control Board took 14 samples of ground water from various settlements built around this drain.

(Source: 28th Nov, 2005, Dainik Bhaskar)



Due to the failure of the sewage treatment plan in Jaipur city, 10 lakh residents of 100 colonies near the Amani Shah drain are consuming polluted water leading to chronic stomach ailments.

CONCLUSION

Rajasthan is a State characterized by poor social and economic infrastructure, high dependence on rain fed agriculture, high population growth and low literacy levels. Most of the districts have low HDI values. The gender development index shows the persistence of gender inequality in the State. In this background, the human rights scenario is also not very encouraging. Civil liberties have been a severe casualty and economic, social and cultural rights too have seen frequent violations. From the rights profiled in the study, it is manifest that the State does not project a very inspiring picture as far as promotion and protection of human rights is concerned.

Though it suffices to say that human rights are indivisible, inter-dependant and non-preferential, the major areas of concern that emerge from the study are widespread discrimination against women, SC/ST and dalits resulting into gross violation of a number of human rights. High rate of custodial violence, especially custodial deaths, bring the administration and prison administration under serious review.

As far as the rights of women are concerned they are being routinely violated in countless ways. Human trafficking, dowry deaths, female feticide, domestic violence and lack of participation in the power structure, political as well as domestic, have resulted in the low status of women. In 2004, 400 women suffered rights violations of different nature everyday in Rajasthan. The patriarchal society, feudal customs and values, high illiteracy and extreme poverty owing to lack of ownership rights have kept them at bay from empowerment and perpetuated their misery. There has been a systematic denial of the right to life of the female, fetuses being aborted with amazing impunity. Only five clinics have been booked under PNDT, telling the entire story. Women from lower castes are treated with medieval barbarity without evoking much response from the State or society.

The atrocities against the dalits is another area which needs urgent government as well as the civil society attention, as government by itself cannot do away with this evil practice. Caste system is still a way of life in Rajasthan, and caste more than anything else is a major determinant to the many opportunities that come people's way. In fact Rajasthan tops the list of states in terms of atrocities against dalits. Name calling, prohibiting dalits from using footwear, proscription and social ostracism, segregation of school children, denial of basic services and utilities, and many other primitive modes of discrimination, which have been expressly prohibited by the Civil Rights Protection Act and the prohibition of atrocities against the SC/ST act continue unabated. Rajasthan alone accounts for more than 155 cases of atrocities against the SC/ST. It is needless to say that majority of cases of gravest discrimination go unreported and unpunished.

The case of tribals is yet another story of discrimination and disdain. Despite having more than 12.5% tribal population, the State seems to be completely oblivious of their problems.

the State seems to be completely oblivious of their problems. The market led growth and globalization have taken a toll on their lives and rights. Most of these tribals are now landless, without any opportunities of employment and source of sustenance and bereft of any social security. These residents of jungles have already been declared encroachers and who have not been evicted are awaiting action any moment. Starvation deaths of sahariyas having evoked national and international concern, have failed to stir up any response from the State apart from branding the deaths as caused by diseases rather than starvation. As per a report published in 2005, 99% adivasi households are facing chronic hunger. An enquiry commissioned by the honorable Supreme Court also concluded that a large proportion of the sahariya population was under high risk of mortality. Thousands of tones of food grains have gone down the drain but the sahariyas conditions have hardly improved.

Child labour and child marriages have been areas of concern in the context of human rights of children. High proportions of both recognized and unrecognized child labour is depriving an entire generation from its childhood. Starting from agricultural to agri-based industries, carpet, gem and silk industries, not to forget the huge unorganized sector all employ children non-challantly in flagrant violation of the letter and spirit of the Constitutional provisions and the CLPR Act. Most of these working children belong to SC/ST families and toil 8-14 hours to earn a meagerly Rs. 10-15 per day.

Child marriage is hugely popular in Rajasthan. Though more common among Gurjars, Jats, Meenas and some other backward classes, child marriage has a social approval cutting across castes and creed in Rajasthan. According to recent estimates more than 30% girls marry by 13 and 50% become mothers by 15. While early marriage contributes uncharitably to the population growth, it is also a major determining factor in high child and maternal mortality.

Amongst civil and political rights, besides scores of crimes under the IPC and SLL which violate a number of rights including those of social, economic and cultural in nature, custodial violence and especially custodial deaths have attracted severe criticism and attention. It is a gruesome violation with protectors becoming predators. It has also attracted scathing criticism from the NHRC. 228 custodial deaths have taken place in the last five years (2001-2005). While there has been hardly decrease in the number over the years, the NHRC and the SHRC have been making repeated recommendations to the successive State governments without much success. The amendments in the Police Act and the Prison Acts have also been suggested, but have failed to merit positive response. According to the State officials custodial deaths have taken place due to shortage of staff. The prison conditions have really been deteriorating further for the prison population. Most of the prisons have inmates far beyond their capacity. Shortage of staff, medical and other facilities are reported from most of the prisons. Prisons have been operating at half their staff capacity for almost a decade.

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Public Advocacy Initiatives for Rights and Values in India (PAIRVI)

Public Advocacy Initiatives for Rights and Values in India (PAIRVI) was formed in 1998 to facilitate and strengthen the advocacy efforts of the grassroots Voluntary Organizations in Northern India by providing them a national platform for voicing their issues as well as to enable them with requisite expertise for their advocacy efforts. PAIRVI grew out of a strong belief that functioning of the democracy in a civil society is based on minimizing the gap between the aspirations of the people and public policies. It requires an unambiguous and constant interaction between the state and people through a multitude of fora and media. Civil Society Organizations have a key role in facilitating this dialogue.

The vision of PAIRVI is to foster a growth oriented, just and equitable society based on the respect for the rights of the individuals and non-discrimination among the caste, communities and gender by enabling the underprivileged and uninitiated secure their rights.

Ever since its inception, PAIRVI has been making a conscious effort for addressing their advocacy issues as well as functioning as a resource center for the same. It has taken upon itself multiple responsibilities including building advocacy capacities of the grass roots organizations, facilitating social change through initiation of campaigns on people's issues, providing specific inputs on awareness raising and facilitating dialogue between the various actors of the civil society such as social activists, journalists, bureaucrats, policy makers etc. PAIRVI has been undeterred in its commitment towards the concerns of the marginalized, democratic and human rights, livelihood issues, and accountable, transparent and interactive governance.

Development Coordination Network Committee Trust, (DCNC)

Established in 1986 by CECEOEDCON (Jaipur) Development Coordination Network Committee Trust (DCNC) is a state level network of more than 200 NGOs and CBOs working in the rural areas of Rajasthan, the core constituency being four regions of Rajasthan namely Jaipur, Jodhpur, Udaipur and Kota.

The DCNC Trust envisions the attainment of self-determining rural communities whose development is founded on equity, sustainability, gender fairness, respect for dalit people's rights and culture, respect for children's & women's rights and welfare, and the economic, socio-cultural and political empowerment of marginalized rural sectors and peoples. The mission of DCNC is to provide a collaborative network for the region by promoting participation in civic life and enhancing the community socially, culturally and economically to achieve the goal of the integration of equity, gender fairness, empowerment and ecological sustainability in the process of community empowerment by engaging in area-focused and all sided rights efforts through work for the expansion and integration of cooperatives of marginalized men and women through the advancement of inter-cooperative culture.

Starting with Meghwal land rights campaigns and Didwana salt workers campaigns, the micro level interventions have included larger issues such as Peoples Caravan 2004, Water issues, interventions with the WSF, Drought campaign and participation in the GWA. DCNC has been able to generated huge publicity and awareness on the issues resulting in organization of peoples bodies to work in committed ways for the resolution of those issues.



Gadia Lohar, Rajasthan

