

# People's Union for Civil Liberties

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KARNATAKA

## **Preliminary Fact Finding Report**

The Protest by the Bhangi Community

In Savanur

Smearing Excrement On Themselves

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## **Need for an independent assessment report**

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According to media reports, members of the Bhangi community in Savanur smeared human excreta on themselves on 20 July 2010. This was in protest against the Municipality's plan to evict them from their dwellings by disconnecting their water supply. Confusing and contradictory media reports have appeared about the incident. Hence People's Union for Civil Liberties – Karnataka decided on 22<sup>nd</sup> July 2010 to send a Fact-Finding Team to ascertain the truth, namely, under what circumstances this inhuman incident took place; what made Bhangis to resort to such an extreme step, and who should be held responsible for this shocking incident. A team was constituted to visit and find the facts.

### **Fact Finding Team**

The team consisting of the following members:

1. Mr. Y J Rajendra, Vice President, PUCL – K
2. Mr. Raghupathy, Advocate, Alternative Law Forum,
3. Mr. T K Dayananda, Journalist, Bangalore
4. Mr. R V Chandrashekar, PhD Scholar, Bangalore University, Bangalore
5. Mr. Vijay Guntaral, Convener, Dharwad district, DSS (Ambedkar Vaada)
6. Mr. P Chandrashekar, Journalist, Slum Jagatthu, Bangalore
7. Mr. Adhithya, Convener, Janasthra, Bangalore

## **Methodology**

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The Fact Finding was conducted in three phases, which are described below

### **A Brief Summary of the Major Developments of Savanur Incident**

1. Prior to the protest incident by the Bhangi community on 20 July, there was an organized plan by the district administration to evict the Bhangis, who had been in occupation of their land for more than 30 years. As part of this conspiracy, the authorities decided to disconnect the water supply of the Bhangi colony. Further, the authorities had manipulated the official documents to show that the Bhangis were never in possession of the land, nor were they shown as living there.
2. Members of the Bhangi colony rose up in protest against this unjust eviction and smeared themselves with excrement in front of the town municipal council. This was widely covered in the media
3. Following the uproar among people caused due to the protest incident, the municipal administration moved quickly and initiated a number of measures to redress the grievances of the Bhangi community. However this was only an attempt at damage control in order to cover up their culpability in the matter. Many of these measures were dubious and might not yield the desired result.
4. The Sangh Parivar, including the BJP and Sri Ram Sene, are trying to get political mileage out of this matter by setting up a communal divide between the dalits and minorities.

5. The Savanur issue as a whole constitutes a violation of various provisions of the SC/ST Act (Prevention of Atrocities) Act, 1989.

### Main Findings of the Fact finding Report

1. There has been a systematic and illegal attempt to evict Bhangis from the place of living in a planned manner by following all procedures and formalities and executed by district and taluk administration which has led to a violation of human rights of dalits.
2. The practice of manual scavenging is prevalent in Haveri district, including Savanur town. The Municipality and the administration are very much aware of such a practice, though they claim otherwise.
3. Town Municipality body took a unilateral decision to construct the commercial complex on the said land. without issuing notice to the Bhangi family of its intension
4. There is a clear case of organized atrocity by bureaucrats at all levels in violating the provisions of the SC & ST (Prevention of Atrocity) Act 1989
5. Clear violation of the fundamental right to equality under Art 14 as well as the right to live with dignity under Art 21 of the Constitution
6. There is a clear violation of the Employment of Manual Savengers and Construction of Dry Latrines (Prohibition) Act 1993 since the practice of manual scavenging continues in Savanur. It is unfortunate that the Government of Karnataka through its local bodies has contrary to all facts represented before the Supreme Court that there is no such practice in Karnataka.

### Select Recommendations

1. Immediate action should be taken against the Deputy Commissioner, Haveri district and Assistant Commissioner, Savanur Subdivision, and Haveri District Social Welfare Officer for their negligent attitude and failure to take any measures towards the welfare of the Bhangi colony.
2. Since the municipality has permitted the continued existence of the abhorrent and prohibited practice of manual scavenging, they are guilty of caste discrimination and hence the municipal body should be completely dissolved.
3. The team demands that action be taken by the National Commission for Safai Karamcharis under Section 8 of the National Commission for Safai Karamcharis Act, 1993 and the schemes formulated therein.

## **The First Phase of the Fact finding Investigation**

Immediately after the incident was reported, the team visited the Bhangi colony in Savanur, Haveri district, and briefly met the families involved in the incident. The situation was quite tense, since the police and other officials were engaged in managing the situation by not allowing people to interact with Bhangis. There was a large mob of politicians and their followers eagerly seeking press coverage. The team decided to confine itself to observe these developments as well as to seek the opinion of common people on the issue. The team was unable at this stage to collect any documentary evidence regarding the allegations made by Bhangis and the official version on the incident.

The team met the following persons and recorded their opinions and comments

1. Mr. Manjunath Babu Bhangi, and ManjunathNarayan Bhangi, the leaders of Bhangi community
2. Ms. Abbakka Ballary, relative and ex counselor of neighboring town Shiggon,
3. Mr. Lakshman Kanavalli, dalit activist who was advising the Bhangi leaders
4. Mr. Basavaraj Bommai, local MLA and Irrigation Minister
5. Mrs. Motamma, leader of opposition in Legislative Council and Congress leader
6. Mr. Bhajakkanavar, Chief Officer, Savanur Municipality,
7. Mr. K P Mohan Raj, Assistant Commissioner / Sub Divisional officer, Revenue department
8. Dr. Prashanth Nalvar, Tahsildar, Savanur taluk
9. Mr. Ashok Khasetty, independent local Journalist
10. Mr. Anand, Reporter of Kaurava, a prominent local daily

## **The Second phase of the Investigation**

The purpose of the second visit was 1. to meet concerned officials and elected representatives of Municipality in order to have detailed discussions about their opinions and the actions taken with regard to the demands of Bhangi community; 2. to seek responses of the people regarding the incident; 3. to collect relevant documents or orders issued regarding the incident. The team also collected articles that appeared in local newspapers till 31st July.

The team met the following persons and recorded their opinions and comments:

1. Mr. A M Parish, President, Savanur Town Municipality, Savanur
2. Mr. Shankaranna Doddamani, Vice President, Savanur Town Municipality, Savanur,
3. Mr. Dhukandar, Municipal Councilor of the area where the Bhangi Community is located.
4. Mr. Yesu, an officer of Municipality and his assistant who furnished us with documents, including the narration of the incident.
5. Mrs. R A Vokatnavar, Taluk Social Welfare Officer (in charge), Social welfare Department, GOK
6. Mr. Danappanavar, Manager and Mr. Shivanand Badashetty, Physical Education teacher coordinating between minister and the education department

7. Mr. Lakshman Kanavalli, dalit activist and DSS leader guiding and supporting the Bhangi community
8. Mr. Manjunath Babu Bhangi, Mr. Manjunath Dodda Narayan Bhangi and Krishna Obalesh Bhangi, leaders of Bhangi Community

The team visited Savanur Municipality, Social Welfare office, Education department, DSS activists, met the local media persons, and had a detailed interaction with Bhangi families to get their version of the incident. The team also collected and reviewed relevant orders, circulars and documents, including the assurance letters and the government orders issued to Bhangi families by different departments.

### **The Third Phase of the Investigation**

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The third phase of the fact finding was undertaken because we received reports of persons performing manual scavenging work in surrounding villages in Savanur taluk and adjacent taluk centres in Haveri district. In fact PUCL has received phone calls informing us of such incidents, both from dalit activists as well as sweepers of municipalities.

Accordingly, the team visited Haveri town, Hangal town, Akki Alur, Shiggaon, Savanur and adjacent villages. Mr. Manjunath Bhangi accompanied the team, identified persons engaged in manual scavenging and obtained information from all the families and also the opinion of local residents. The team collected information on the profile of scavenging families, documented their living and working conditions and their experiences and opinions on video. The team also enquired about the nature and extent of the practice of untouchability measured against the provisions listed under Protection of Civil Rights Act, 1955 and also under The Scheduled Castes & Scheduled tribes (Prevention of Atrocities) Act 1989. A detailed analysis of the information gathered is presented later in the report.

### **Savanur and Bhangi Community – A Background**

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*Savanur:* Savanur is a small town municipality located 24 KM away from Haveri district headquarters, and is also one of the seven taluk administrative centres of Haveri district. As per 2001 census, Savanur had a population of 35,561. Males constitute 52% of the population and females 48%. Savanur has an average literacy rate of 49%, lower than the national average of 59.5%: male literacy is 54%, and female literacy is 43%. In Savanur, 16% of the population is under 6 years of age. Significantly, 60% of the total population belong to Muslim community, the remaining 40% belong to Hindu and other communities.

*Bhangi colony:* Savanur was ruled by Nawab Abdul Majid Khan II till Indian independence. Eight decades ago, the Nawab granted land to the Bhangi community on which they could build their houses. On this land are four houses which make up the homes of seven Bhangi families. From the days of the Nawab these families have been working as manual scavengers in the town of Savanur. An 80 year old senior person, Mrs Nalamma recalled that she was a small girl when their parents migrated from Andhra Pradesh on the invitation of Savanur Nawab who gave them this land, and since then they have been living in this area. It was learnt that there was no practice of maintenance of land records, and it was only on the orders of Nawab lands were

allocated; thus, no land records are available with Bhangis. After independence, the government did not sanction land to this community, but it never interfered with their enjoyment of this property. There are many such properties like this that were orally granted by Nawab to different sections of people. Savanur has grown over the years, and the place where Bhangi families live has now become the centre of the town and is prime property in Savanur now. A brief background of the families is enclosed as **annexure - 00**

## **Background of the incident**

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### **1. A unilateral and biased Municipality resolution**

Under the above circumstances, the Town Municipality in a special meeting on 23.11.2009 decided to construct a commercial complex on property number bearing 172 block 2 in ward 4, which was the place where Bhangis families were living all these years. Since the Municipality land records showed no one in possession of this property, the Municipality declared that the bhangis were in unauthorized occupation of this property and that the structures were in dilapidated condition beyond repair. Following this, the Municipality took a decision to construct a commercial complex on this land. The resolution also specified that the adjacent property no 4 (belonging to another person, name not mentioned) would also be used for the same purpose. It was resolved that the families still living there shall be given sites in Ashraya colony located 2 KMs away from the town. A copy of the Municipality resolution is enclosed as **annexure -00**

### **2. Bhangis working as Sweepers in Municipality were deliberately kept in dark**

The Bhangis were working as municipal sweepers as well as scavengers. Even those who worked as sweepers were kept in the dark about the decision of the Municipality Mrs. Nagamma w/o Babu, a member of one of the Bhangi families, was working as a sweeper in Savanur Municipality, and has retired from service, while her son Gopi S/o Babu Bhangi is still working as a sweeper in municipality. The officials know that the Bhangis have been living there for many years in inhuman conditions without basic amenities. The Municipality or any other authority did not convey the decision to bhangi families in writing before adopting the resolution. After a lapse of few months of passing the resolution, the officials of Municipality orally informed them and asked them to vacate the place for construction of a commercial complex. The officials and councilors began harassing them to vacate the place using different strategies such as threatening women, abusing them, throwing stones from outside, and dumping the waste in front of their houses.

#### Observations of the team:

*The property in which the Bhangi families have been living was granted by the then Savanur Nawab and they are enjoying that property even now. The Municipality selected this land for commercial development and passed the above resolution without the knowledge of Bhangis. Why did the Municipality conceal this decision from the Bhangi community? It is surprising that the*

*resolution records that there was no one living in the land despite knowing that the Bhangji families are living. A copy of uthar (land document) given to the team reveals that the said property belongs to Municipality, the Chief Officer being the legal owner of it. Further it asserts that no one was living in the land even though there is a building where the Bhangjis live. A copy of the uthar is enclosed as **annexure -00***

*Why did the Municipality suppress the fact of the Bhangji families living on this property? What was the motive behind this concealment? The provision of adverse possession says that in respect of an occupier enjoying the property for more than 30 years continuously, the occupier will have right to own that property and the authority will have to hear the occupier before taking any decision. Were the officials ignorant about this provision? Why did they not issue a proper notice to the Bhangji families? Why was only an oral intimation given to them? It is clearly evident that there is conspiracy behind taking over this land for commercial purpose without paying compensation. The officials did not even make an attempt to consult the Bhangji community on this. Can this not be considered as an organized conspiracy on dalits by the municipality? If so, what official action should be taken, and against whom, and who should execute this action? This matter has to be probed further to ascertain the truth.*

### **3. Complaint cum memorandum to Regional Commissioner, Government of Karnataka ignored deliberately by Deputy Commissioner, Haveri**

On realizing that the Municipality was planning to evict them, the panic-stricken Bhangji families, on the advice of dalit organizations and other well wishers, gave a written memorandum on 08.01.2010 to Regional Commissioner, Belgaum Revenue Division, Government of Karnataka, complaining against the unilateral decision of Municipality to evict their families from their existing place of living by threatening and harassing them. They appealed to the Regional Commissioner to intervene and protect them from harassment of Officials, Councilors and vested interests. On receiving the memorandum, the Regional Commissioner, Belgaum wrote a letter to Deputy Commissioner marking copy to Assistant Commissioner, Savanur Subdivision with a direction to look into the issues mentioned in the memorandum and take action as per law, with an instruction to inform the complainants about the action taken. A copy of the letter from Regional Commissioner to Deputy Commissioner is enclosed as **annexure - 00**

To this day, the Bhangji families have not received any letter either from DC, AC or Tasildar regarding the action taken on their memorandum. Even after they filed the complaint, the harassment continued in different forms.

### **4. Disconnection of drinking water to Bhangji families – an inhuman act of municipality and deliberate denial of water connection by Assistant Commissioner**

On 17<sup>th</sup> July 2010, the municipality disconnected the water connection of the Bhangji colony without giving any notice in writing. The Bhangjis became panicky and met Savanur Assistant Commissioner with a memorandum. The memorandum highlighted their condition, and mentioned background factors such as their caste background; their occupation of manual scavenging and their

health condition, leading a very difficult life without any alternative source of livelihood; giving the details of the nature and extent of caste untouchability, in the form of atrocities and discrimination practiced on them by the municipality and its officers. The memorandum especially pointed out that they had no other source of water supply since they were not allowed to draw water from public taps because of their caste background. The families requested the AC to restore the water connection, otherwise they would be forced to launch a protest on 20<sup>th</sup> July. It was reported that the AC was impatient and indifferent towards them, did not bother to consider any of their demands, refused to restore their water connection as it was an illegal connection, and insisted that they pay Rs. 2000 to restore water connection. When they pleaded that they are manual scavengers and do not have that much money to pay; the AC refused to heed their plea and sent them away.

Observations of the team:

*It is important to note that the AC being sub-divisional magistrate is expected to protect the rights of untouchables and provide the benefits under various schemes especially Special Component Plan (SCP) which has the provision of free drinking water supply. Why AC did not look into these provisions? this matter needs to be probed properly. The circumstantial evidence shows that the AC was acting in a biased matter with the intention to evict them by denying water supply.*

**5. Incident of manual scavengers (Bhangis) smearing human excreta on 20th July 2010**

On 20<sup>th</sup> July 2010 members of the Bhangi colony smeared human excreta on themselves as a protest against the inhuman treatment and atrocity by district Administration and Savanur municipal body. *They were compelled to resort to this protest* action against the Municipality disconnecting their drinking water in order to evict them illegally from their place of living. The eviction amounted to an atrocity. The protest was held in front of the Municipality office with the solidarity extended by a dalit organization. The print and electronic media covered the live protest and brought out the fact that the officials of Municipality were indifferent and refused to receive their memorandum, which was later given to Tahsildar. Though present in the office at that time, the Municipality President and other councilors did not come out to talk to the protesters and to receive the memorandum. The news of this was covered extensively by both state and national electronic and print media and exposed the inhuman treatment given to Bhangi community. The copies of selected reports that appeared in print media with analysis are enclosed as **annexure - 00**

## **Major developments after the 20th July protest incident**

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**1. Emergency meeting chaired by Minister Bommai with officials to defuse tension by adopting resolution**

This protest has shaken the state government, particularly the district minister (who is also the sitting MLA), district administration, and the municipal body.

Under pressure from Minister Basavaraj Bommai, a special meeting was held at 1.30 PM in Savanur Tasil office on the very next day of the incident, i.e 21 July. The sole agenda of the meeting was to discuss providing self employment to Bhangi families. The meeting was chaired by Minister, and the Assistant Commissioner, Tasildar and other taluk level officials including Municipal president were present at the meeting.

The meeting passed the following resolution (resolution no 182):

1. Not to evict Bhangis from the present place till alternative arrangements are made;
2. Allot sites in already formulated Ashraya plot for all 13 families and to construct houses in the said plot under “Namma Mane scheme” at the cost of Rs. 1.60 lakh,
3. Provide basic amenities with immediate effect till alternative arrangements are made and they are shifted to the new locality,
4. With regard to providing employment, it was decided to take 9 adult members as sweepers under contractor and 2 members to assist in the Suction and Jetting machine likely to be purchased soon,
5. Giving scholarship from social welfare scheme on priority basis to all school going children. Mr. Bommai announced that these children will be adopted by Gangamma Trust to pursue their studies. The minutes of the meeting were signed by Municipal president and Chief Officer. A copy of the resolution adopted during the meeting is enclosed as **annexure – 00**

## **2. Developments on 23rd July witnessed by Fact Finding team**

On seeing the reports appeared in media, the PUCL Fact Finding team visited Savanur on 23<sup>rd</sup> July, and at 10 a.m. reached the area where Bhangi families live. By then the area was surrounded by the police waiting to provide security to the dignitaries and officials such as ministers, opposition leaders, MLAs, MLCs, Commission chairpersons, press persons, and Pramod Muthalik, leader of Sriram Sene. Simultaneously, the municipal sweepers were engaged in cleaning the premises of Bhangi families. Tractor loads of mud were brought and covered the surrounding filthy area. The officials, mainly Assistant Commissioner, Tasildar and other officials around them, were busy in consultation, opening the files, and noting details, and looked quite anxious as they waited for arrival of ministers.

## **3. Promod Muthalik’s suspicious visit to the Bhangi colony**

When our team entered the compound of Bhangi families, the area was jam packed with people despite a drizzle, the police constables were controlling the mob, and Police Inspectors were busy receiving visitors and collecting information. The AC, Tasildar and their team of officials were waiting outside one of the houses. On enquiry, the FF team learnt that Sriram Sene leader Mr. Pramod Muthalik was inside the house talking to the members of Bhangi families. He came out after 30 minutes, and posed before press persons and TV channels; his followers were shouting “Bharath Maatha Ki Jai” till he left the place in his vehicle with a police petrol van.

Observations of the Team:

*It is well known that the Sriram Sene propagates the Hindutva agenda, and sedulously upholds the system of varnashrama. Equally, it has never taken up the issues of atrocities on dalits. Mr. Muthalik's purpose in visiting the Bhangi colony was really to pursue his Hindutva agenda in an area where 60% of the minority community is living. It is the responsibility of progressive civil society groups to be alert and take steps to prevent the emergence of Hindus communal politics in Savanur.*

A group of followers of political party leaders were running around talking to Bhangi leaders and women, and the police, AC, Tasildar and media persons were facilitating the process. At 10.45 AM an ambulance came to the spot, picked up the women and children; the men and elders were accommodated in a police jeep which took them away. The entire area was empty. Later, a local leader informed the team that they were taken to IB where the local MLA, who is also the Irrigation Minister, came to lay a foundation stone for construction of houses for Bhangis near IB. By the time the team reached the place, the foundation laying function was over.

#### **4. Team accessed copies of Hakku pathras at last**

With great difficulty, the Fact Finding team met Minister Basaraj Bommai after the foundation laying ceremony, interacted with him and drew his attention towards granting land rights to the place where they are living. He told us that Hakkupathras for new sites had been issued, and a proposal to grant land rights to the existing land has already been sent to the government for approval. As for the rehabilitation of these families, he said that a resolution was passed in a special meeting to provide accommodation to these families. All these were oral assurances. By evening the team was able to access the letter signed by Savanur Assistant Commissioner signed on 23<sup>rd</sup> July 2010. The letter confirmed the decision of the 21<sup>st</sup> July meeting held in Tasildar office chaired by Minister with one new addition that the ownership of the existing land in Kamal Bangadi where the Bhangis were residing will be given as per law. A copy of the letter issued by Assistant Commissioner is enclosed as **annexure – 00 & copies of resolution (No. 183) passed on 23.7.10 enclosed as annexure - 00**

*Observation of the team: The AC's order was evidently passed because of public pressure mounted on the minister and the officials. Actually, there is no provision to allot two sites for the same family as per law. Later, when the team contacted the AC, he confirmed as having signed the above letter. However, he did not forget to add that it can be done only as a special case if Minister takes it up with the state government.*

#### **5. Issue of Hakku pathras to 9 Bhangi families**

The team accessed all 9 copies of Hakku pathras (granting land right) for sites under the Vajpayee Urban Housing Scheme signed on 23.07.2010 by Chief Officer, Savanur Municipality issued before the foundation laying ceremony. The Hakku pathras were prepared on the basis of resolution (no. 182 & 183) passed on 21.07.10 and 23.7.10 respectively, and the approval for the same was given by Deputy Commissioner on 22.07.2010. Rajiv Gandhi Housing Corporation issued orders on 22.07.2010 granting 9 sites with 20 x 30 feet in survey no. 68

for Bhangi families. The copies of 9 Hakkupathras issued are enclosed as **annexure - 00**

Observation of the team:

*It is important to note that the reason why the MLA, minister, AC, DC, Rajiv Gandhi Corporation Chief, Chief officer and President of Municipality and others quickly got into the action and did all that was required was because they were anxious to defuse tension to cover up the violations done by them. They were quite fast, efficient, and coordinated among themselves and followed all procedures and formalities in a prompt manner in order to defuse the tension and protect themselves.*

*Another important issue to note that to issue any hakku pathra under any housing scheme, prescribed formats with terms and conditions have to be followed, and they should be approved by the competent authority. However, the pathras issued to Bhangis do not carry any terms and conditions, and the danger is that the officials may reject the validity of pathras in later stages. Further, there is no provision to issue two sites for each family. Since the site has already been issued to them now, the likelihood of granting ownership of the land in which they are living Kamal Bangadi is very remote as per normal procedures. The officials and Minister under pressure are making these dubious assurances floating all rules, procedures and formalities. Such hasty decisions may cause problems to Bhangi families in later stages. There is need for getting the Khatha done on the basis of pathras issued to them following prescribed procedures; correspondence with concerned departments to get all formalities done in accordance with law has to begin now itself. A copy of Hakku pathras with terms and conditions with formal approval is enclosed as **annexure - 00***

**6. Resolution passed to recruit Bhangis as Regular Paura karmikas in Municipality:**

A second emergency meeting chaired by Minister Basavaraj Bommai was held on 24.7.2010 in Savanur. The purpose of the meeting was to provide employment to Bhangi families as a measure of permanent rehabilitation. A unanimous resolution (No 184) was passed requesting the Deputy Commissioner to recruit 9 persons from Bhangi community in the existing 13 vacant permanent powra karmika positions in the municipality itself. The resolution authorized and directed the Chief Officer to initiate action as per the established procedures and formalities.

Observation of the team:

*The question arises as to why in respect of employment, the Bhangis, were restricted to cleaning work under municipality, and not considered for positions in other departments such as Social Welfare, Health, Women and Child Welfare. Since the Deputy Commissioner is the prescribed authority with power to recruit PKs, similar steps like granting land & housing would have been taken in the case of job also.*

**7. Motamma's Demand: Dissolve Municipality and constitute a Legislators subcommittee to inquire into the incident**

Mrs. Motamma, Legislative Council opposition leader, addressed a press conference on 23<sup>rd</sup> July and called upon the state government to constitute a legislators subcommittee to inquire into what caused the Bhangis to smear human excreta on themselves. She blamed the officials of Social Welfare department for neglecting SCs and safai karnacharis, and their lack of commitment in the implementation of the programs. She declared that the department is dead, and the budget allocated under 18% scheme has not been spent. Later, she visited the Bhangji locality, spoke to the family members and extended solidarity.

**8. Chief Officer made scapegoat in the whole matter– he suspects communal manipulation**

Mr. Bhajakkanavar, who was holding charge as Chief officer, Savanur Municipality at the time of the incident on 23<sup>rd</sup> July in Haveri, was transferred on punishment. But the team managed to meet him to get his opinion. The team sought his version and opinion on the whole incident of Bhangis smearing human excreta. The team learnt that he belongs to dalit community. However, he defended his and the municipality's action and denied that there was any intention of evicting the Bhangis from the place without alternative. He was confident of convincing Bhangis to shift to the Ashraya site. He suspected the conspiracy of communal elements who were operating to gain political mileage and establish their base using this planned incident against minorities, which the Bhangji community are not aware of. But he refused to mention the names of communal elements.

**Observation of the team:**

*Though Chief officer is a dalit, being a subordinate officer he was not able to manage to operate within established law. Though he did not commit any mistake, he was transferred with immediate effect. Thus he was made a scapegoat. There is an urgent need to know the truth in this matter.*

*The team members obtained the opinions of common people who, while expressing their concerns about the incident and their solidarity with the Bhangji community, blamed officials and politicians exploiting the poor by giving dubious assurances. The government officials and ruling party leaders were trying to manage the issue in order to cover up the injustice done by taking the Bhangis to hospital for health check up, pressuring them not to give negative statements, providing food to them, enticing them with various letters of assurance, arranging a special meeting for them with minister Mr. Basavaraj Bommai, who was camping in IB and was busy instructing officials to get the letter of assurance prepared and signed, talking to the media, and preventing opposition leaders taking to the Bhangji community. The members of the team shuttled between IB and Bhangji's place of living, and were busy taking photographs and documenting the whole incident on video, talking to common people and documenting their version. It was very difficult on this day to contact the members of Bhangji families to get details.*

*On the second day of its visit (24<sup>th</sup> July), early morning; the team visited the Bhangi colony, interacted with them without any hindrance, and obtained further details including their background, needs and problems. The team also met DSS activists, officials and media persons and recorded their version of the incident. Yet, the team felt that investigation was incomplete since the officials of departments of Social Welfare, Education, Women and Child Welfare, the municipality, Tahsildar, and the AC were not available.*

*The team made several attempts to meet leaders of dalit, Raitha Sangha, left movements, local civil society organizations and intellectuals. Unfortunately, none of them were available to us. It was learnt that they did not want to get into a controversy on this delicate and complex issue. Though the team sought to meet and talk to media persons of popular newspapers, the team could not meet them.*

## **Dynamics of developments during second visit**

### **1. Profile and politics of Savanur Municipality**

Savanur Town Municipality has 23 elected councilors distributed among four political parties:

- 15 from Congress
- 3 from BJP,
- 2 from JD-S,
- 2 from Samajavadi Party and
- 1 independent.

It was learnt that the present ruling group headed by Mr. A.M Paras as President and Mr. Shakarappa Doddamni as its Vice President (*both from Congress*) formed the council with the support of BJP and JD-S. The reason for seeking the support from these two parties was that political rivalry between two leaders of the Congress party prevented the party from forming the council on its own strength. The present MLA Mr. Basavaraj Bommai of this constituency who won from BJP ticket became minister. It is clear that BJP and JD-S have taken this as an opportunity to expand their political base, while Sangh Parivar, through its Sriram Sene chief Pramod Muthalik, entered the scene using the Bhangi incident in Savanur to pursue its communal agenda. In future, the Sangh parivar is likely to dominate the scene in Savanur, dividing the society in terms of Hindus (40%) and Muslims (60%) in order to gain control over the Muslim community by using dalits. A copy of party-wise councilors is enclosed as **annexure - 00**

## 2. Defence of ruling municipal President, Vice President, Councilors and municipal staff

The team had interaction with Mr. A M Paras, President, Mr. Shankaranna Doddamani, Vice President and Mr. Dukhandar ward Councilor at the Municipal President chamber. The president called the incident as an unfortunate one, which brought a bad name to Savanur Municipality and the state. He said he was there in the chamber listening to the slogans, and was updating himself with the help of municipal staff, when the protesters smeared themselves with human excreta. Still, it was an unfortunate incident and he suspected that the Bhangis were influenced by political elements to bring a bad name to Municipality. He and other elected representatives expressed their concern and commitment to the cause of Bhangis and gave copies of the resolution passed, and the decisions made to rehabilitate them. The team accessed land related documents such as ownership of land where Bhangis were living (uthar) **annexure - 00**, the resolutions passed on 23.11.2009 onwards, copies of survey of manual scavengers in Savanur town conducted in 2003 as per the direction of Directorate of Municipal administration is enclosed as **annexure - 00**.

The Bhangis suspect that Althaf Ahamad Dukhandar, who is councilor of ward 4, and a fish merchant wanted to evict them so that he can occupy the area in front of their residence which is near his fish shop. The Bhangis also complained that he was harassing them in different ways and he was the one who sent municipality officials to go and disconnect the water connection. When our team asked for his response, he denied all those charges; however, he has admitted that he has not visited their colony after this incident.

### Observation of the team:

***The team feels that prior to the incident, the municipal authorities had resorted to a well planned strategy of dispossession of the land of Dalits***

*All records furnished by the municipal authorities reveal that they have been careful in taking decisions in accordance with established rules, procedures and formalities. These records have established the foundation for them to take certain decisions that have been worked out in a careful manner. It looks like it is a long term strategy.*

*The Uthar (in form no. 24 (KMF 24 (rule 53(1)(a), a revenue record with details of assessment of house tax and confirmation of ownership, etc) for the year 2010-11 establishes the Municipal Chief Officer as the owner of property No 172 (Bhangis living place), type of house as tin shed, constructed 60 years ago, facilities provided nil and tax exempted.*

*It was signed on 24<sup>th</sup> July 2001. It is clear from the above that the municipality arbitrarily declared this property as belonging to them thereby dispossessing the Bhangi families of their land. Is it because they are dalits? It is evident that the entire system from top to bottom has used the delegated power to deny the rights of Bhangis. The action of the Municipality amounts to wrongful dispossession under Section 3(v) of the SC/ST Act 1989 Section 3(V) of the Atrocities Act reads, wrongfully dispossess a member of the Scheduled Caste or a Scheduled*

*Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water.*

### **3. Govt survey for 2001-02 reveals 41 manual scavenging families living in Svanur town, not just 7 families**

The Savanur Municipality conducted a Scavengers survey in 2001-02 as part of state initiative on the direction of Municipal administration department, Government of Karnataka. The officials, on the instruction of President, furnished to the team copies of formats designed with instructions, consolidated statistics of the survey, and letter of direction. The officials have explained that there were 24 manual scavenging families working in different offices, including private establishments in addition to residential houses, etc. A copy of the consolidated statistical report in Kannada is enclosed as **annexure – 00** which reveals the nature and extent of sanitary facilities in place and details of scavenging families.

A brief note on this is given below.

- **Types of latrines in Savanur Town under Savanur Municipality as on 2001 - 02**

1. Open latrines:	2316
2. Closed latrines:	498
3. Underground drainage :	Nil
4. Latrines along the compound :	732
5. Without compound	1412
<b>Total :</b>	<b>4977</b>

- **Types of scavenging families under Savanur Municipality as on 2001 - 02**

1. Number of Safai Karmachari families:	24
(Female: 70 Male: 65 Total: 135 )	
2. Number of scavenging families :	17
(Female: 41 Male: 26 Total: 67)	
<b>Total:</b>	<b>41</b>
<b>(Female 111 Male 91 Total 202)</b>	

It is clear that there were 41 families with a population of 202 of which 111 were female and 91 were males that were engaged in manual scavenging and earning their livelihood. This data confirms that there are 41 families, not just 7 bhangi families in Savanur municipal limit itself.

The data in respect of number of families rehabilitated was not immediately available with different departments including Municipality. The data pertaining to the conversion of dry latrines into 6 water flushed latrines since 2002 were also not available with municipality.

Observations of the team: Can this be ignored or can the responsibility be fixed on officials? On whom? If this can be considered as negligence on the part of officials, then cases should be filed against officials for violation of rights of SCs and suitable action should be initiated.

#### **4. Negligent attitude of Social Welfare office initiating quick defensive action**

Following the incident of 20<sup>th</sup> July, the taluk unit of Social Welfare Office has taken three immediate actions in respect of Bhangi welfare: 1. Conducting survey of manual scavenging families, 2. Issuance of ration card. and 3. Sanction of motivation money of Rs. 50,000 to the couple for inter caste marriage

The fact finding team visited the local social welfare office and enquired about the actions taken in respect of welfare & rehabilitation of Bhangi families after the 20<sup>th</sup> July incident. Ms. R A Kokkatnoor, who is holding additional charge as Taluk Social Welfare officer, gave information on the official actions taken in respect of Bhangis, such as Family survey report, ration issued to families, including photos of distribution and Approval proceedings, sanctioning motivation money for inter caste marriage, etc. The copies of all the documents are enclosed for reference.

1. *Family survey report reveals denial of govt. benefit to Bhangis:*

The survey conducted after the incident revealed that there are 14 families not 7 families in the existing premises with a total population of 44, five school going children including three school drop outs. Among them, Chandru S/O Peddanna studied upto SSLC and ITI. None of the 14 families have been able to access any government scheme. Nagamma is getting pension as retired sweeper of Municipality and Gopi S/O Babu Bhangi is a sweeper working in Municipality. It is evident that the social welfare office has not undertaken any rehabilitation program under the Prohibition of Manual Scavenging Act even after a lapse of 17 years. Can this be termed as negligence or a conspiracy to deny the rights and benefits for Bhangis as they are? If it is deliberate, should the government not initiate action under Prohibition of Atrocity Act? Refer Survey report **annexure -00** for details. This attracts various actions of Atrocity Act 89 & PCR Act 55.

2. *Social Welfare Office denied the Bhangis access to any government resources for the last 17 years:*

With regard to the choices and assistance for alternative livelihood, nine families opted and asked for sweepers post in municipality, four asked for loan to start petty business such as animal husbandry, etc. Seventy year old Nalamma Bhangi, asked for old age pension whereas ITI trained Chandru Bhangi, a disabled person, has not got pension so far and asked for financial assistance to set up a welding shop.

Observation of the team:

- *It is interesting to note that even the choices of Bhangis are limited. A sweeper's post is considered a symbol of enhanced status and a respectable position and the Bhangis themselves have opted for it. What does this mean? Does it mean that in respect of choice of employment, the people of this community do not think beyond the position of sweepers? Or werethey confined to it by necessity? Were they offered a choice of other professions? Can this be considered as a systematic caste discrimination which has become coded into the very working of the municipal council and the administration?*
- 3. *Ration issued for a month on 28<sup>th</sup> July after a lapse of 8 days:* The ration for one month was issued to 11 families by Social Welfare Office as assistance. This should have been provided immediately but it took 9 long days. This reveals the style of functioning of local social welfare office.
- 4. *Motivation money promoting inter caste marriages provided after 10 days:* Mr. Manjunath Babu Bhangi and Anupama Hiremutt born in lingayat community got married two years ago and have been living in the Bhangi colony. After the incident of 20 July, the Social Welfare Office came to know about this marriage and sanctioned motivation money within 10 days of the incident, issued a National Saving Certificate for Rs. 10,000 and Rs. 10,000 cheque in the names of both husband and wife. The copies of the proceeding approving the Rs. 50,000, NSC & cheque enclosed as **annexure 00**

A local dalit leader opined that this was a damage control action taken by local Social welfare office because of pressure mounted after the 20 July incident. They complained that the Social Welfare Office is generally indifferent towards dalits.

Observation of the team:

*The circumstantial and written evidence proved that the denial of social benefits constitutes a systemic atrocity on Bhangis by different officials of district administration. The team made repeated attempts to meet Mr. R G Olekar, District Social Welfare Officer in Haveri, to get a copy of the report of atrocity prepared by him and to check whether it was sent to Deputy Commissioner, Regional Commissioner and Principal Secretary. Unfortunately, he was not available in his office, and the officials reported that he had gone to the field; the team tried to get in touch with him over his cell phone and it remained switched off. We could not meet him.*

- 5. *A cheque of Rs. one lakh issued by Minister was a very big issue in Block Education office:* The team visited the Block Education office, met Mr. Danappanavar, manager and Shivananda Badeshetty, Physical Education teacher. They narrated the action taken with

regard to children of Bhangji families. The BEO along with the concerned government school head master had visited and enrolled the names of students, with special instructions to Head Master to take special care of these children, including visiting their houses, motivating the parents to send the children to school regularly, and sending a letter to social welfare department to get scholarship to all students, etc. Mr. Basavaraj Bommai, Minister, gave a cheque for Rs. One lakh from a Trust constituted in memory of his mother Gangamma to the education department to meet additional expenses of students from Bhangji families. It was his personal contribution for the welfare of Bhangjis. A copy of un-named cheque is enclosed as **annexure 00**

When the team questioned Mr. Badesetty regarding the spending of this money, he was not able to answer immediately and said that he was waiting to get instruction from Minister regarding the matter. All the requirements of students on education are met out of government funds through Social Welfare office. When we asked him how his office would spend this money, there was no answer. Enrollment of students was done only on the day of the visit; till then, the education department or social welfare did not bother about the children. It is evident that though there are many provisions under the government for the welfare of dalits, due to the officials' apathy, negligence and discriminatory attitude, such benefits are not reaching the dalits.

### **Main Findings of the Fact finding Report:**

- 1) There has been a systematic and illegal attempt to evict Bhangjis from the place of living in a planned manner by following all procedures and formalities and executed by district and taluk administration which has led to a violation of human rights of dalits
- 2) The practice of manual scavenging is prevalent in Haveri district, including Savanur town. The Municipality and the administration are very much aware of such a practice, though they claim otherwise.
- 3) Town Municipality body took a unilateral decision to construct the commercial complex on the said land. without issuing notice to the Bhangji family of its intension
- 4) There is a clear case of organized atrocity by bureaucrats at all levels in violating the provisions of the SC & ST (Prevention of Atrocity) Act 1989
- 5) Clear violation of the fundamental right to equality under Art 14 as well as the right to live with dignity under Art 21 of the Constitution
- 6) There is a clear violation of the Employment of Manual Savengers and Construction of Dry Latrines ( Prohibition) Act 1993 since the practice of manual scavenging continues in Savanur. It is unfortunate that the Government of Karnataka through its local bodies has contrary to all facts represented before the Supreme Court that there is no such practice in Karnataka.

- 7) Clear case of organized atrocity by bureaucrats at all level violating the provisions of The SC & ST (Prevention of Atrocity) Act 1989
- 8) Enormous delay in conducting enquiry and initiate action on the alleged atrocity by Deputy Commissioer despite Regional Commissioners instruction. It confirms the biased and negligent attitude of DC
- 9) Biased & arrogant Assistant Commissioner failed to ensure drinking water connection despite knowing that they are drinking contaminated water shows that it is clear human rights violation attracts the provision of PA Act 1989 and AC has failed to ensure protection to Bhangis even after receiving the memorandum
- 10) It is evident that entry of Mr. Pramod Muthalik, leader of Sriram Sene, a communally motivated organizations taking advantage of this incidence to establish their base where majority muslims live & create communal tension between the groups.
- 11) It is evident that the land documents cooked up according to the politicians and bureaucrats having communal motive and evict the Bhangis from their place of living in violation of the SC/ST Act Section 3(v)
- 12) Savanur Municipality aware that the practice of manual scavenging exists but deliberately ignored allowed such practice to continue.
- 13) The Social Welfare department is responsible for identifying manual scavengers, implement the rehabilitation programs for them violated the provision Prohibition of manual scavenger Act 1993, despite knowing that the manual scavenging system exists.
- 14) Municipality has the report of survey of scavengers but did not take any action.
- 15) Clear violation of the fundamental right to equality under Art 14 as well as the right to live with dignity under Art 21 of the Constitution
- 16) The team concludes that there is a Violations of the Manual Savengers and Construction of Dry Latrines( Prohibition) Act 1993 as very clearly the practice of manual scavenging in Savanur continues. It is unfortunate that the Government of Karnataka through its local bodies has contrary to all facts represented before the Supreme Court that there is no such practice in Karnataka.

**The team demands that action be taken by the National Commisison for Safai Karamcharis under Section 8 of the National Commission for Safai Karamcharis Act, 1993 and the schemes formulated therein.**

### Select Recommendations:

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1. Immediate action should be taken against the DC and AC
2. Since the municipality has permitted the continued existence of the abhorrent and prohibited practice of manual scavenging, they are guilty of caste discrimination and hence the municipal body should be completely dissolved.
3. The team demands that action be taken by the National Commission for Safai Karamcharis under Section 8 of the National Commission for Safai Karamcharis Act, 1993 and the schemes formulated therein.