

Dalit Lynching at Dulina: Cow - Protection, Caste and Communalism

Context

October, 2002, 5 men were brutally killed in the presence of, and possibly by, a large and violent mob on the main road outside the Dulina Police Post, near Jhajjar town (district Jhajjar) Haryana in front of the police and several senior district officials. All 5 killed were Dalits, believed by the mob at the time to have been engaged in cow-slaughter. Newspapers covered the incident widely at the time. There were widespread protests over the lynching from Dalit groups, and some political parties. There was also violent opposition by local dominant groups to the arrests by that followed about a month later.

In November and December 2002 a seven-member P.U.D.R team conducted an investigation into the incident and its aftermath. We visited villages Badshahpur and Teekli in Gurgaon district, and Dulina, Suhra and Talao in Jhajjar district, as well as Rohtak and Jhajjar towns. We met several police and district officials, the MLA from Bahadurgarh, a Bajrang Dal office-bearer of Haryana and VHP member, the Teekli Gaushala Committee, Jat leaders and Dalit activists, representatives of local political organisations, and families of victims. We attended a customary Panchayat ('Sarv-Khap' Panchayat) and were present at the 'surrender' of some of the accused at the PWD guesthouse in Jhajjar.

Over 3 months after the incident, there continue to be several contesting versions of what happened at Dulina. The responses by the state and segments of civil society in Haryana and the rest of north India, is revealing. Through an enquiry of the aftermath, and the context of the Dulina lynching, this report attempts to understand what happened and to locate it within socio-political and economic processes at work in Haryana today.

Contents

PART ONE

I.	What happened on the evening of 15 December 2002?	3
II.	Repercussions	4
III.	The role of the state	7

PART TWO

IV.	Cow-protection: economy and ideology	10
V.	Caste and the leather trade	13
VI.	Mobility and its consequences	15
VII.	Political mobilisation, caste, and cow-protection	16
VIII.	In conclusion	17

Boxes

1	<i>Many voices, one tale</i>	4
2	<i>Attaining martyrdom: 'voluntary surrenders' at the guest-house</i>	7
3	<i>The Banswal Commission report</i>	9
4	<i>Structure of the leather-trade</i>	12
5	<i>Across the 'border'</i>	14

PART ONE

I. *What happened on the evening of 15 December 2002?*

The accounts of the incident narrated by the family and the police varied from each other on significant points.

According to the families of the victims, the 5 men left Badshahpur village at 2.30 p.m. on Tuesday, 15 October 2002 by a hired Tata 407 truck. On board were - the driver Totaram, of Aklimpur village (belonging to the Julaha caste); Raju, the 'helper', of Tikli village (Balmiki); Kailash from Karnal (Balmiki); in addition to Dayachand and Virender of Badshahpur village (Jatavs who had the official contract to skin cattle in this area). Kailash, the leather trader from Karnal had come to Badshahpur to purchase raw hides from Virender and Dayachand. The 5 were transporting the hides to Karnal to be sold the next day in the 'mandi' held there every Wednesday.

According to the DSP Jhajjar Narender Singh the victims were transporting 238 hides to Karnal. They apparently reached the Dulina police post on Gurgaon-Jhajjar road at about 6 p.m. They stopped at a deserted spot near it to skin a dead cow, as they would be able to sell the hide for Rs. 1500 at the mandi. About 15-20 people were returning from Dussehra celebrations in Jhajjar town by jeep, along the same road. They saw the men skinning the cow and assumed that they had first killed it. They started abusing the 5 men and then took them to the nearby Dulina police post. They put pressure on the police officer in-charge, SHO Hoshiar Singh to book them under the Act against cow slaughter. An FIR was filed against the victims accusing them of *gaukashi* (cow-slaughter). The FIR was registered on behalf of the police as the accusers allegedly refused to put their names to the complaint.

The families of the victims find it strange that they were supposed to have been skinning a cow late in the evening for there are strict conventions forbidding them from skinning after sundown and it was very close to that hour of the day when the group returning from Jhajjar allegedly found them. They would have also been in a hurry as they were supposed to reach the Karnal hide *mandi*, a considerable distance away.

According to the DSP the victims denied the accusation of cow-slaughter. They claimed to have bought the cow for Rs. 200 from one Fakir Chand of Farukhnagar (Gurgaon) having heard that he had reported a dead cow on his premises. The 5 men loaded it on their truck with the hides as they were on their way.

However the families of the victims are certain that

Virender and Dayachand would hardly have picked up a dead cow from Farukhnagar - it did not fall in the zone officially allocated to them in their contract to skin cattle.

The police claim that in order to investigate whether the cow had been alive or dead when purchased by the victim, they sent one policeman and 4 of the complainants to Farukhnagar to verify the victims' story. They were accompanied by Totaram, the driver of the truck. At Farukhnagar they were informed that the cow was already dead when the 5 men took it.

Meanwhile at Dulina the rumours of 'cow slaughter by Muslims' had been building up. People returning from the Dussehra celebrations in Jhajjar started collecting at the police post in large numbers. According to the DSP, when the group that had gone to Farukhnagar returned to Dulina at about 7.45 p.m., the SHO Hoshiar Singh informed the crowd that the victims were not Muslims and nor had they slaughtered a cow. However, as per the police version, the angry crowd refused to believe the police and the victims' claims. The DSP stated that those of the complainants who had gone to Farukhnagar did not state their findings to the crowd. They mingled back with the crowd upon their return to Dulina.

However the families of the victims understand the presence of the 5 men at the Dulina police post, and subsequently that of the crowd differently. They stated that the Dulina police routinely extorted bribes from all tempos and trucks carrying skins and hides along this route, even when they were regularly accompanied by those who had official licences to skin cattle. The last time Kailash had passed the Dulina police post in September, he had had to pay a bribe of Rs. 5000/-, even though he was accompanied by the official licence holders Virender and Dayachand. The families think it likely that this time the police demanded a larger sum and were refused. Thereupon the victims were probably beaten and tortured and it is possible that one among them died in the course of torture. Then in order to create an alibi the police, by telephone or otherwise, spread the rumour of 5 men having been caught skinning a live cow. They also think that the police contacted the Jhajjar Gurukul. As the news spread people from the neighbouring villages, the Gurukul and those on their way home from the Dussehra celebrations began to collect at Dulina police post.

According to the DSP, he was summoned and reached the spot at around 8.45 p.m. By that time the

policemen, according to the DSP, were outnumbered by “1 to 100” and the mob was demanding that the 5 men be immediately handed over to them. The DSP however refused to commit himself as to where the 5 men (who were in the custody of the police) were actually kept all this while. The City Magistrate, the BDO and the tehsildar also reached the Dulina police post. The DSP ordered a lathi-charge to disperse the mob but it was too large and violent for the handful of policemen present. Even when reinforcements arrived the police were still vastly

outnumbered as the crowd kept growing, “easily approximating 2000 while the police numbered about 15 to 20.” As per the DSP the police were rendered helpless as the crowd snatched away the police weapons.

The police stated that the uncontrollable mob then attacked the Dulina police post, surrounded the 5 men and beat them to death on the main road, even as officials looked on ‘helplessly’. The mob also set the tempo loaded with skins on fire.

Many Voices, One Tale

Local Bajrang Dal leader and VHP activist, Badshahpur, Mahinder Yadav: The mob was only attacking those they thought were killing a cow. The crowd must have thought that those engaged in this heinous sin were Muslims since no Hindu could possibly think of killing the ‘holy’ cow. The mob’s anger and its subsequent action were therefore completely justified though it was ‘unfortunate’ that the Dalits got killed. The police were responsible to the extent that the Dalits were technically under police custody at the time they were killed.

City Magistrate, Raj Pal Singh (eye witness): What he saw unfolding at Dulina Police post on arriving there at about 9pm was so shocking that he was unable to act and was still unable to recall the exact sequence of events. He feared for his life. The mob probably mistook the victims to be Muslims. He said that the Jats are known to be a “criminal tribe”(presumably given to violence).

INLD (Indian National Lok Dal) MLA from Bahadurgarh, Nafey Singh Rathi: The killing of Dalits on 15 October was entirely a ‘chance occurrence’, not a ‘pre-planned affair’. The people who brought the Dalits to the Dulina police post were returning from Dussehra celebrations and hence their minds were suffused with religious sentiment. The Hindus thought that the men whom they had caught skinning the cow, were Muslims and hence attacked them. The killings were a matter of defending ‘dharma’ not caste, for the “killers were not from one caste, one party or one village”. The mob basically comprised of all those who felt outraged at what they perceived as an assault on the cow.

The report of the National SC/ST Commission: In its report submitted on 28 November the SC/ ST Commission held that the incident was an accident and was ‘not motivated’. In a statement to the press Commission chairman Mr Bijay Sonkar Shastri said that the Dalits were attacked not because they were Dalits but because the crowd had been led to believe that they were killing cows. If the mob had known that they were Dalits, the members of their own community would not have participated in the attack. ‘Anti- social elements’ helped by the police had created an atmosphere of suspicion by spreading rumours of cow-slaughter. This provoked an ‘ordinary’ crowd of people returning from a fair. Mr Shastri held the police responsible for the lynching alleging that the police did nothing to save the victims. Rather they helped in it. The police were well aware of the Dalit identity of the victims.

II. *Repercussions*

The events that followed

The first response of the Jhajjar police immediately after the killings on 15 October was to register an FIR (no. 470/2002) (Jhajjar P.S) at 10.15 p.m., against ‘unknown persons’ u/s 154,145/149, 302/435, 332/353, 452 IPC.

Next, at about 3 a.m. on 16 Oct the police from Badshahpur police post contacted the families of the

victims in Badshahpur and nearby villages. They were told to go to see their sons at the Jhajjar Civil Hospital as they had met with an ‘accident’. Similarly in the early hours of 16 October, Kailash’s family was also informed of his being in the hospital at Jhajjar. On reaching the hospital the govt. officials present told them to collect the dead bodies and leave soon, as people’s sentiments were inflamed. The

officials warned them that a mob (including those who had lynched the victims) could even attack the corpses of the 'gau-hatyaras' ('cow-slaughterers') and kill the families of those they perceived as such. They had to bring the bodies back to their villages via a far longer route, as the police claimed that they were still 'helpless' and unable to provide any protection to the families of the victims from the mobs, which had slaughtered their kin.

Responding immediately to the killings, on 16 October itself the VHP and the Shiv Sena held a demonstration in Jhajjar and submitted a memorandum to the Deputy Commissioner demanding that no action be taken in the incident. The killers were glorified as heroes who had avenged the cow "our mother". VHP leader Parmanand Giri openly stated that those who had killed the 'gau-hatyare' must be honoured.

Police reinforcements from neighbouring districts were called in and located in Jhajjar town.

The very next day after the lynching, on 16 October the family members of the victims and other Dalits in and around Badshahpur (Gurgaon district) met at the Ravidas Mandir in Badshahpur to plan future action. They formed the Dulina Nyay Samiti at this Panchayat. Haryana Mazdoor Kisan Sabha president Ranjit Yadav also attended this meeting. At his suggestion, a Maha Panchayat (a meeting of representatives of all castes and groups) was held at Ambedkar Sabha in Gurgaon on 17 October. People from all castes and 16 organisations participated.

The first response of the district administration was to order a post-mortem of the cow on 17 October, to check out the accusations of cow-slaughter being levelled by the Gurukul, the Gauraksha Samiti, the VHP, and the Bajrang Dal.

Meanwhile the incident had made headlines in the national media. In the days that followed media attention remained focused on Jhajjar with both the print and the electronic media taking up the issue as one of killing of Dalits.

On 18 October a delegation of the Lok Jan Shakti Party headed by Ram Vilas Paswan and a delegation of Left parties visited Dulina and the families of the victim. They raised questions about the police's role alleging that the police had demanded bribes and had a direct hand in the killing of the 5 Dalits.

The Chief Minister Om Prakash Chautala finally condemned the incident on 18 October, 3 days after the killings, and announced a compensation of Rs. 1 lakh for the victims' families. The Divisional Commissioner of Rohtak, R.R Banswal was directed by the Haryana government to conduct the mandatory magisterial inquiry (u/S. 176 CrPC) into the Dulina lynching. The terms of the inquiry were limited to the circumstances leading up to the lynching and the administrative lapses due to which these could

not be prevented.

On 19 October the Dulina Nyay Samiti met again at a BAMCEF (Backward and Minorities Communities Employees Federation) organised gathering of 3000-4000 people at Gurgaon and presented a memorandum to the Deputy Commissioner. This was followed by the holding of an all caste Maha Panchayat in Badshahpur village on 20 October. People from 36 castes and 100 villages participated. The local Congress MLA Rao Dharampal Yadav also attended the meeting. They gave the administration 15 days to take action against the killers of the Dalit youths, and demanded that the guilty police officers be charged under S. 302 IPC, the FIR (of cow-slaughter) against the victims be retracted, a compensation of Rs. 10 lakhs be given to the families of each of the victims together with a govt. job for one family member.

Soon after, the families were visited by a Congress delegation including party president Sonia Gandhi who announced a compensation of Rs. 1 lakh.

Pressure mounted on the Haryana government to take action with it being issued a notice by the National Human Rights Commission on 21 October to file a report on the incident within a week. An enquiry by the National SC-ST Commission was also initiated.

The Haryana CM was yet to visit the bereaved families and the site of the incident despite being in Jhajjar on 21 October. It was when the public and political pressure mounted that Chautala visited the victims' families on 24 October, more than a week after the incident and increased the compensation amount to Rs. 5 lakhs. In addition a govt. job was promised to the next of kin of the deceased. However the Dulina Nyay Samiti's and the Opposition's demand for a judicial inquiry was turned down. The Congress and the Lok Jan Shakti's demand for a CBI investigation was also not acceded. Thirteen policemen posted at the Dulina police post on 15 October, including the SHO were transferred.

The U.P Chief Minister, Mayawati of the Bahujan Samaj Party visited on 25 October and gave a compensation of Rs. 3 lakhs in cash.

On 26 October, the BJP submitted its report on the Dulina incident to the office bearers of the party. It entirely blamed the police for the incident.

The IGP Rohtak, Resham Singh told the press on 25 October that the police had identified 28 local residents as having been part of the mob. But no arrests were forthcoming till 13 November.

This identification of suspects coincided with the submission of the post mortem report of the cow, which revealed that the cow had died the previous day. The cow's viscera were then sent to the Forensic Science Laboratory to determine whether it had died a natural death or had

been poisoned. It was only then that the FIR of cow slaughter against the victims was quashed.

The VHP and the Arya Samaj Ashram responded on 26 October by calling for a Maha Panchayat of 180 Gaushala Sabhas to protest against this “eyewash” by the government. The Arya Samaj in the area took the lead in organising a ‘Maha Panchayat’ finally held on 2 November. The Maha Panchayat exonerated both the VHP and the police, holding that the crowd was motivated by religious fervour and had killed those it considered cow slaughterers. A Sangharsh Samiti headed by Pandit Nityanand of the Jhajjar Gurukul was formed on this occasion.

On 27 October, a conversion ceremony was organised at the Sant Ravidas Temple in Gurgaon by the All India Confederation of SC-ST Organisation and the Lord Buddha Club at which 5 Dalits converted to Buddhism and 1 each to Islam and Christianity. Also present at the ceremony were representatives of the Jamiat Ulema-i- Hind, the All India United Muslim Morcha and the All India Christian Council. It was reported that Ratan Singh, father of Dulina victim, Virender, had converted to Buddhism. However on 28 October, Ratan Singh was reported as saying that he had not converted.

Finally on 13 November, almost a month after the incident, the police arrested 5 persons from neighbouring Suhra village. According to the DSP, Narender Singh, all five of the accused- Ramesh, Mahavir, Rajbir, Surinder and Sombir were part of the group that first spotted the victims by the roadside and brought them to Dulina police post. Charges under sections 3/2, 5 of the SC/ST Act were also added to the existing charges against the accused.

The Backlash

Following a pre-dawn crackdown by the police on 13 November in which 5 persons were arrested and remanded to judicial custody, VHP and Bajrang Dal activists took to the streets, and appealed for a bandh, resulting in the closure of schools, colleges and shops. Agitating villagers blocked all major roads leading to Jhajjar district, from Delhi, Rewari, and Gurgaon. They resorted to stone pelting and attacked the police with lathis. Four policemen including a DSP, and SHO Bahadurgarh were injured. The police resorted to a lathi-charge and S.144 was imposed in Jhajjar town. All schools, colleges and educational institutions were ordered closed till 15 November.

In the early hours of 14 November people from Suhra and other nearby villages and Jhajjar town, set fire to Dulina Police-post. When the PUDR team visited the police post the same afternoon it was in shambles. The walls of the rooms were blackened with soot and all the electrical fittings and wiring had been ripped out. The rooms had been stripped bare of all furniture and documents. Inside one of the rooms the bars on the window

had been forced apart. Outside the board reading ‘Dulina Police-post’ had been pulled down and rested diagonally against one of the door-frames. The only thing that remained intact was a little shrine in the compound outside in which several photographs of Hindu gods and goddesses rested untouched by the violence that had engulfed the police post.

On 14 November itself following the arrests of the first 6 accused (one more person, a Punjabi from Jhajjar town was arrested in connection with the lynching on 14 November) a Sarv Khap Panchayat of 24 villages was held in the compound of the Suhra Madhyamik Vidyalay at Suhra village near Dulina. (*Khap panchayats are caste panchayats implementing customary law and reinforcing upper caste dominance, distinct from modern elected Panchayats. A Sarv Khap Panchayat is more inclusive encompassing several villages and sub-castes. In contemporary Haryana, the Jats continue to assert their social and political dominance through these customary extra-legal bodies.*) The Sarv Khap Panchayat held at Suhra on 14 November and attended by over a thousand men from 24 villages was presided over by Pandit Nityanand of the Gurukul. The atmosphere at this Panchayat, which our team attended, was visibly charged with anger and hostility against the government and the English press. The Panchayat served an ultimatum to the state government to unconditionally release those arrested or face a state-wide agitation and ‘chakka jam’ from 20 November. This Panchayat decided to block all roads leading to Jhajjar town between 8 a.m. to 5 p.m. daily starting from 15 November. The Sarv Khap Panchayat reminded policemen of their shared (Jat) identity with the peasants whose sons were now in jail. The government was warned that if it dared oppose the community it would have to face violent consequences.

These threats, however, did not materialise. The blockade of 9 roads called by the Sarv Khap Panchayat held on 14 November was suddenly called off on 19 November with a settlement being negotiated. Both the INLD MLA Nafey Singh Rathi and the administration claim credit for brokering the amicable settlement.

The Deputy Commissioner Mohinder Singh sought to underplay its suddenness. He said it was inevitable, as the blockade had been successfully implemented on only 2 (Jhajjar-Gurgaon and Jhajjar-Rewari) of the 9 roads they had originally planned on. Moreover, people were tiring of the deadlock and wanted to return to work. The settlement was arrived at amicably through dialogue with the Zila Parishad and Gram Panchayat members and members of the Gauraksha Samiti. To arrive at a settlement the DC claimed to have appealed to the dominant Arya Samajist ethos of non-violence and amity. The administration assured them that no ‘harassment’ of other villagers or police raids would be conducted if the identified persons were handed over.

**Attaining Martyrdom:
'Voluntary Surrender' at the Guest**

23 November: 7 persons surrender, including 4 Dalits

25 November: 3 surrender including President of Jhajjar Gauraksha Samiti and 2 members of Jhajjar Gurukul.

28 November: 1 surrenders, Shishupal, a former district chief of the Shiv Sena.

2 December: 6 more persons identified as Ganga Jivan, Santram, Ramdhan, Samunder, Rakesh, and Leela alias Pappu, all residents of Suhra village surrender.

According to the INLD MLA (Bahadurgarh) Nafey Singh Rathi he took the initiative in calling a Sarv Khap Panchayat at Jhajjar Gurukul on 18 November. The Sangharsh Samiti chairman Nityanand, Haryana Gauraksha Samiti president Acharya Baldev and Jhajjar Deputy Commissioner Mohinder Kumar were also present. Nafey Singh informed us that he broke the stand-off by telling the villagers that since an FIR had been registered u/s 302 IPC and 5 people had been killed, whether "by mistake" or because people were agitated, the guilty would have to be arrested. He assured them that they should not hesitate to come forward since their presence in the crowd had signified their respect for the holy cow. Surrender before the police was like martyrdom, a '*dharmik balidaan*' for the cause of cow protection. "*If you respect the cow-mother you must come forward to get arrested. Why should you be afraid?*" was Nafey Singh's call to the villagers. (It is important to note that the current MLA of Jhajjar, a re-

served assembly constituency, Dariao Singh Rathaura, a Dalit was noticeable by his absence in the entire period after the incident. His strategic invisibility probably stems from the fact that he is an independent candidate who supports the INLD, which represents Jat interests.)

Following the Panchayat of 18 November, and in stark contrast to the violent protests that had followed the first 6 arrests, between 23 November and 2 December, 17 people 'surrendered' accompanied by large crowds, which cheered them on. The lynching were projected as *gohatya kand* and a battle of *dharam* versus *adharam*, which had been wrongly depicted as a *dalit hatyakand*. These supporters though they did not hesitate to state that those arrested were part of the crowd that lynched the 5 Dalits, when asked (by our team) whether they had actually participated in the murder replied that that was for the courts to decide.

The total number of arrests stood at 23 as of 2 December. By mid December, a total of 30 accused had been identified. According to DSP Narendra Singh policemen present at Dulina police-post on 15 October had identified these people in the mob and submitted statements to this effect.

These arrests are voluntary 'surrenders', made on the basis of a list submitted by the police to the Sangharsh Samiti. At least 4 of those arrested are Dalits and at least 15 are alleged to be part of the 16 people who made the initial complaint of cow-slaughter against the victims, e.g. Mahavir (one of the first five arrested) is the driver of the jeep whose occupants initially accused the victims of 'cow-slaughter'. His jeep was used to visit Farukhnagar to verify the purchase of the dead cow. On 15 January, charge-sheets were filed against the 30 accused in the Sessions Court. Those absconding had been granted anticipatory bail the previous week on the ground that the case did not come under the SC/ST (Prevention of Atrocities) Act 1987. The trial is expected to start on 5 February.

III. *The Role of the State*

The Haryana police and the state administration emerge as highly culpable in the incident of the lynching of the 5 Dalits at Dulina police post as well as in its aftermath.

Role of the Police

It needs to be stated right at the outset that irrespective of the role of the mob the incident is one of custodial death. The victims were in police custody as an FIR of cow-slaughter had been filed against them. The police however failed in its duty to protect them. The police is at the very least guilty of death due to criminal negligence (304A IPC). However, to the best of our knowledge, no

FIR has been registered against the police present at Dulina police post on 15 October till date. This in spite of the strong indictment of the police both by the SC/ST Commission (see Box 'Many Voices, One Tale' in Chapter 1) and the Banswal Commission (see Box 'The Banswal Commission Report'). The only action taken against the guilty police officials is that they have been charge sheeted by the Haryana government and departmental inquiries are being conducted against them.

The role of the police in the Dulina lynching raises questions about the powers of the police and the concomitant responsibilities. The explanations given by the

DSP for why the police did not protect the lives of the Dalits were that they were outnumbered, that their weapons were snatched from them, that they feared for their lives. The response of the police begs the question that is it not the duty of policemen as police officers to risk their lives to save the lives of citizens. Especially so, of persons in their custody. The police have powers to arrest, to lathi-charge, and to fire for the protection of citizens; it is its concomitant responsibility to risk their lives for protection of citizens.

The police comes across as heavily compromised even in the events that followed the lynching. No arrests took place till a month after the incident, which is highly surprising given that the police had identified the guilty and the subsequent arrests were finally based on the statements of policemen. Also if the police could identify the culprits why was the initial FIR on 15 October filed against “unknown persons”?

When questioned about the delay in making not only the initial 5 arrests on 13 November, but also the 10-day gap that followed before the next round of arrests beginning 23 November, the DSP’s response was that they wanted to give caste and communal passions time to die down, a fear that seems legitimate given the violence that broke out at the time of the arrests even after a month. But it also obviously allowed time to the Khap Panchayats to destroy evidence, pressurise witnesses, negotiate settlements and rake up the issue for communal mobilisation, activities that the police did little to prevent. Thus, when we visited Dulina police-post on 14 November, there was nothing to indicate that it was a crime scene. No policemen stood guard there, though there were at least a 100 on the road leading upto it. Any evidence, which might have existed, had been destroyed in the arson perpetrated by the rampaging mob on 14 November.

An absurd and blatantly partisan and unjust situation has thus come into being where the police who have themselves been implicated in the case are in charge of the investigation. The police, having been the only witnesses to come forward, the arrests in the case are based on the identification and statements of the policemen posted at Dulina. The quality of the investigation has already been brought into question. For instance, the Gram Panchayats of Suhra and Dighal villages have demanded the withdrawal of the case against Ramesh, one of the first five to be arrested, on the grounds that on 15 October he was in Dighal attending the funeral of his aunt and did not return to Suhra till the next day (*The Tribune*, 3/12/02).

Role of the Administration:

The collusion of the district administration with the guilty (and those intent on shielding them) was apparent in various acts of omission and commission. The presence of the district officials like the City Magistrate Rajpal Singh at the spot, and his failure to react or even begin to deal

with the situation is damning. The very first action taken by it in the wake of the lynching was to order a post-mortem of the cow to check the allegations of cow-slaughter levelled by the VHP-Bajrang Dal, Shiv Sena, the Jhajjar Gurukul and the Gauraksha Samiti. This suggests that the local administration is complicitous in the belief that the criminality of the killings (and consequently the victims’ right to justice) is dependent on whether the cow had been slaughtered or not. Ironically an FIR against 5 dead men was only quashed when it was proved that they were not cow-killers. The interface with the VHP President Giriraj Kishore’s statement “the life of a cow is more precious than that of a human being” is clear.

The DC Jhajjar expressed his helplessness to our team saying that no administration could function in the area without pacifying the sentiments of organisations like the VHP, and negotiating with the ‘Khap’ Panchayats. If this is the attitude of the administration, illegal actions, committed by these bodies, their role in obstructing justice, their attacks on those who challenge upper caste dominance, will be duly upheld and never punished.

The fact that demands for an independent CBI investigation into the Dulina murders or a judicial inquiry were turned down is significant given the findings of both the SC/ST Commission and the Banswal Commission. Neither the SC/ST Commission’s inquiry, which is only recommendatory in nature, nor the magisterial inquiry under S. 176 of the CrPC allows for the starting of criminal proceedings on the basis of their findings.

The administration’s reluctance to discharge its constitutional duty was also evident in the matter of payment of compensation to the victims’ kin. Payment of compensation in the Dulina incident was the state’s moral as well as constitutional responsibility, as the failure of the police to protect those in its custody had resulted in the deaths. The announcement of compensation of a lakh came only on 18 October after the incident had made national news. It was increased to a total of 5 lakhs by the Haryana government only following payment of compensation by the Congress, Mayawati etc. The family’s demand of Rs. 10 lakhs was however turned down. This granting of compensation piecemeal and as an afterthought, disregarding the central responsibility of the state for these murders, reveals the administration’s callousness.

The state and civil society

In the backlash that followed the first 5 arrests and the administration’s unwillingness to end the deadlock through recourse to legal means it became obvious that in Haryana it is not the rule of law but the might of extra-constitutional bodies like the customary Khap Panchayats that dominates. While the DC might simply be expressing the ground reality (see his comment in section ‘The Role of Administration’), it is also a fact that the state has been

complicitous in allowing these bodies to capitalise on and further their dominance. Many state functionaries clearly subscribe to the caste and communal politics of the 'Khap' Panchayats. The DSP Jhajjar thus dismissed our inquiries about justice for the victims by saying that in any case their kin had got 5 lakhs from the state, and besides the Dalits in Haryana were upwardly mobile.

The Banswal Inquiry and recently the Sessions Court while granting anticipatory bail to the accused in January suggested that the Dulina incident was not anti Dalit, as the mob was comprised of Dalits as well. This is in complete and suspicious resonance with the Jat community's attempt to show that caste is simply not a factor in the killings. The Sessions Judge used this argument to deny that the case came under the SC/ST Act, and to grant anticipatory bail on this basis.

What was also noticeable is the manner in which the administration's and the police's accounts echoed that of the VHP, the Gaushala and the INLD.

A seamless common story has been woven - the lynching were an accident, people were not to blame as they were inspired by religious sentiment for the cow, the victims were mistaken for Muslims, the policemen were outnumbered. In the process the state has lent itself to projecting that Hindu sentiment is above rule of law, that it is fine to kill Muslims, if others like the 5 Dalits suffer due to such motivations the state will 'understand'. Nor does the state feel duty bound to protect rights and ensure

justice. Even the SC/ST Commission has rationalised the lynching as an understandable response to cow slaughter. In doing so, it has echoed the same conciliatory approach towards the dominant groups that constitute Haryana's civil society as has been exhibited by the local administration in its handling of the incident.

There being any action at all on the part of the state is in fact attributable to the immediate mobilisation among the Dalits by the entry of political and religious leaders and organisations of national stature and allegations of police complicity in the lynching as also the positive role played by the national media. Dalit politicians especially Mayawati and Paswan attracted a great deal of criticism from the local Jat population as outsiders who were misrepresenting the situation as one of caste conflict for political ends.

The Dulina killings and their aftermath have thus made evident the forces that constitute the conflict-ridden society and polity of contemporary Haryana—the dominant Jats operating through their customary Panchayats, the Dalits looking to the state to guarantee their constitutional rights but well aware of its equivocal nature also mobilising along customary and electoral lines, and a reluctant state machinery bound by the constitution to protect fundamental rights and enforce the rule of law but whose functionaries remain deeply implicated in their caste identities.

The Banswal Commission Report

On December 9 the divisional Commissioner Rohtak, Mr R.R. Banswal submitted his inquiry report into the Dulina incident. The report held the 12 police personnel posted at the Dulina police post guilty of allowing the situation to go out of control. As per the report the police personnel at Dulina did not take adequate steps to save the victims who were in police custody. The police had sufficient opportunity to shift the five victims to a safe place but they failed to do so. The delay in the arrival of police reinforcements has also been criticised. Till 9.45pm there were 71 police personnel at the police-post, the number increasing to 145 only at 10.10 pm at which point the mob comprised about 1500 people. The three main accused among the police officials are DSP Jhajjar, Mr Narinder Singh; SHO Jhajjar Mr Rajinder Singh; Officer in Charge Dulina police-post; Mr Dharam Vir. While the Home Department would supervise proceedings against the DSP police officers of IG and DIG rank would oversee proceedings against the other two officials.

Three administrative officials – Mr Rajpal Singh, City Magistrate, Jhajjar; Mr Sajjan Pal Singh, Village Development and Panchayat Officer (VDPO); and Mr Shyam Lal, Naib Tehsildar have been prima facie found guilty of not handling the situation properly. The proceedings against them will be supervised by the Chief Secretary and the Secretaries of the concerned departments.

The Banswal commission has rejected the claims of police extortion and that one of the victims had died as a result of police torture.

PART TWO

The one undisputable fact about what happened at Dulina on 15 October is that 5 men were lynched by a violent mob while police and administrative officials stood by and watched. Yet this single most important fact has tended to get lost sight of amongst the claims and counter claims of cow-slaughter, and the identities of the victims, both 'mistaken' and real, Muslim and Dalit. It needs to be recalled that the very first response of the VHP and the Gauraksha Samiti was to glorify the killings as just retribution for the 'sin' of cow-slaughter. The social identity of the victims appeared unimportant, except that they were possibly 'cow-slaughterers'. In that sense human life was immaterial. The highly communal disclaimer by Hindu right wing organisations that the mob had mistaken the Dalits for Muslims came later. It was the outcome of the media and public attention on the incident as an 'attack on Dalits', and the spiral of political responses to it, including conversions. Noticeably none of the groups

concerned, including the state, disputed that the response of the mob was a completely understandable response to cow-slaughter. Even the victims' families in demanding that the killers be punished did not question its legitimacy as a reaction to cow-slaughter. The emphasis was rather on the truth-value of the allegation itself. It is evident that the issue of cow-protection is central to arriving at an understanding of the incident. The issue is fraught with communal and caste tensions which render the position of Dalits highly ambivalent, given their Hindu identity, on the one hand and their economic and social contradictions with upper castes on the other. These become immediately obvious in the case of the Dalits engaged in the leather trade, along with Muslims, due to the endemic contradiction – between the 'Hindu' ethos of protecting the cow and a trade dependant fundamentally on the skin of cows.

IV. Cow Protection: Economy and Ideology

Owing to a combination of historical developments and political strategies, the cow has had a tremendous real and also symbolic importance in the society and economy in this region. However in the recent past there has emerged a disjunction between the relatively declining economic significance of the cow and its ideological hold.

Cattle rearing for draught and for milk have been a significant component of the economy in Haryana, from pre-colonial times. Developed by the British during colonial rule specifically as a cattle-breeding region, it became a supplier of draught cattle mainly to other parts of the Punjab. Economic prosperity and social status came to be integrally related to ownership of cattle. The shifting of official policy after independence entailed emphasis on dairy farming. The 'white revolution' as it emerged in the late 1960s, was however based not upon the cow but on the buffalo, as a superior milk-producing animal. Today the buffalo has taken over from the cow in Haryana in sheer numbers and economic importance (*the female buffalo population used for milk production in 1997 was 14991 as compared to 13072 in 1988; female cows for the same years were 3631 and 3057 respectively. Numbers of adult male cows, for draught, fell from 5827 to 2863 in the same period- Source: Statistical Abstract of Haryana*). The Green Revolution in Haryana between 1966-67 to 1976-77, though unevenly spread and skewed,

did change the economy further. New technology - viz. tractors primarily, eroded into the strength of the cow and draught-bull population. Both these factors have certainly affected the earlier real economic importance of the cow in this region.

It may also be noted that cow has tended to be reared by lower classes of all caste groups as it is easier to feed cows than an expensive and big animal like buffalo which must be stall-fed. Cows on the other hand are most often set free to feed on rubbish of the village and then taken home to milk. They do however still have to be fed fodder or grazed at times. The price of fodder has sky rocketed today, and there is shrinkage of *shamilat* (village common) land. Pasture land for grazing in Haryana had shrunk from 54,000 hectares in 1970-71 to a mere 24,000 hectares in 1996-97 and there have been frequent conflicts between landowners and Dalits over traditional grazing rights granted to the latter. In this context, poorer peasants are likely to be well into selling their old and weak cows to slaughterers ('butchers') after they have gone dry.

The practice of selling off ageing and sick and dry cows is something the dominant and subordinate castes have historically practiced. Jats were well known for selling their cattle to the butchers. Periodic resolutions of Jat and Brahmin Sabhas against such sales in the colonial pe-

riod are a testimony of the same. In this arid region, with frequent famine situations it was far easier to dispose cattle like this than to march them across to other regions or buy fodder for them at great cost. Mahinder Yadav, the head of Bajrang Dal in Gurgaon claims that this practice continues, and they have stopped several truckloads and trains carrying cows for slaughter to the bordering Muslim-dominated region of Mewat (sections of Gurgaon and Faridabad districts). Sube Singh of Teekli Gaushala also said that the police sends them a number of cows caught at the Tauru police post while being smuggled into Mewat allegedly for slaughtering and skinning. Cow-slaughter however is prohibited in Haryana. Cattle are probably transported to other states for this purpose.

A serious problem that has only grown through the years is that of stray cows. Peasants have to constantly guard against the hordes of stray cattle entering sown fields and eating the young plants. This is sought to be curbed by driving off the hordes to some distant place, some other village, where the local peasants would again have to deal with the problem. This often leads to allegations of cow slaughter against the peasants driving off the cattle, as in the case of the Jind incident narrated below. As a peasant active with a farmers' organization stated, these stray cows have become such nuisances that it is impossible for the farmers to see them alive, and they cannot equally bear to see them dying.

For despite its relatively declining economic significance, the cow continues to be highly revered in Haryana. Popular local heroes from the historical past of both Jats and non-Jats are hailed essentially as 'cow-protectors'. Phool Singh, Garib Das, though both Jats are revered by the Dalits as well. Guga Pir another local hero is revered for having laid down his life protecting a cow. Cow-protection ideology cuts across caste, community as well as political parties.

But as both historical and contemporary evidence reveals, the cow marks a high emotional centre on which the Jats and other zamindar caste groups, more than other groups, can and have been mobilised as in the case of the Arya Samaj and the Unionist Party in colonial Haryana. It was the Arya Samaj's active espousal of cow-protection, traditionally central to the Jat ethos, that, more than anything else made them subscribe to the Arya Samaj. In Rohtak district (of which Jhajjar was a part) considered the headquarters of the Arya Samaj in Haryana, the following of the Arya Samaj, historically, was predominantly Jat. For example, in 1921 of the 27,089 members in the district, 23,995 were Jat. The Arya Samaj in Haryana however could not extend its caste base because its land-owning followers discriminated against the Dalits who had joined the Arya Samaj, refusing to recognise them as fellow Arya Samajis.

In present day Haryana despite the loss in the

economic significance of the cow in the Jat-belt (Rohtak, Jhajjar fall within this) the symbolic significance of the cow is sustained through the *Gaushalas* and the Arya Samaj Gurukul in Jhajjar. This Gurukul, started in 1924, one of the oldest and most influential in the state, has a history of mobilising on the issue of cow-protection.

The number of Gaushalas in Haryana has shown a remarkable increase in recent years, with the total number of Gaushalas affiliated with the Gaushala-Sangh increasing from 71 in 1995-1996 to 91 in 1996-1997 (Statistical Abstract of Haryana 1999-2000). Several governments have assisted Gaushalas in the state e.g., a Pashu Pakshi Raksha Sadan Board has been set up under the Ministry of Social Justice, which has provided considerable funding to the Gaushalas. In addition in September 2001 the National Commission for Cattle was set up under the chairmanship of Guman Mal Lodha retired Chief Justice, Rajasthan High Court, and BJP M.P. The Commission submitted its recommendations to the Prime Minister in July 2002 demanding among other things that the tractor subsidy be dropped, cross breeding stopped, funding provided for making new Gaushalas and repairing old ones, and for cow-protection, and that POTA should be amended to include cow-slaughter in its purview.

The widespread sentiment in favour of cow-protection can be and in the colonial past has been directed towards communal mobilisation, against Muslims, regarded as the ones who slaughter cows for beef and hides. Continuity of such mobilisation is evident from Dulina where the mob was assembled on the basis of the deliberately spread rumour that a group of 'Muslims' were caught slaughtering a cow, that too on the day of the Hindu festival of Dussehra.

In recent years, the VHP and Bajrang Dal have been trying to build a base in Haryana, and the Jat belt in particular, using the agenda of 'cow-protection'. To this purpose they have been allying themselves with existing Gaushalas and opening new ones. Mahinder Yadav, a member of the VHP in Badshahpur village (Gurgaon) informed us that at the Ardh- Kumbh in 1996, the VHP and Bajrang Dal had decided to undertake a campaign to stop cow-slaughter in the country. To this end they are opening Gaushalas. They run around 4 to 5 Gaushalas in Haryana and they have also set up the 'Gauraksha evam Sanskriti Manch with offices at the district level.

In 2002 the deployment of the ideology of cow-protection to further a communal agenda in Haryana became evident. For instance, on 1 March, the day of the Bharat Bandh called by the VHP in response to the Godhra carnage, there was an unsuccessful attempt to demolish a mosque in Loharu. On 16 March a rumour of cow slaughter was circulated and houses and shops of 50 Muslim artisans burnt down. The BJP subsequently took out a victory procession in the town. A post-mortem of the cow revealed

the rumour to have been false and attributed the death of the cow to consuming plastic. Earlier in 2002 there was also the incident of Beedwali Dhaandi village in Jind district, where farmers, some Muslims among them, were driving stray cattle away from their village at night. While crossing a canal two cows got injured and later died. A tense situation emerged, as the local Shiv Sena campaigned against the farmers, and filed an FIR on charging them with cow-slaughter, stating also that they were taking the cows to be slaughtered. Amidst a context of growing attacks especially in 2002 on mosques, Muslim houses, and circulation of anti Muslim propaganda literature by Hindu communal organisations, 'cow-slaughter' is a crucial and potent charge to whip up communal sentiments.

An attempt is clearly being made by the VHP-Bajrang Dal to push the attitude of abhorrence for cow-slaughter further. Their efforts seem to be geared towards the creation of a mindset where killings of human beings, of Muslims and non-Muslims, are considered justified on the basis of even unconfirmed rumours of cow-slaughter. The strong echo of this in the recent literature of the Jhajjar Gurukul which has shown a shift in focus from cow-protection to punishing those who kill and trade in cows is too close to be missed. It is no coincidence that the mob at Dulina is

alleged to have been gathered at the behest of this Gurukul upon hearing a rumour of cow-slaughter.

Yet in Dulina, it must be remembered that at the core of the mob was a group of persons - the police as well as the people who originally raked it up - who knew before the lynching that the cow was already dead, confirmed later by post-mortem.

One standard argument forwarded by several dominant groups, officials and even some Dalits has been that the Dulina incident could not have been targeted against Dalits - since Dalits are cow-protectors, and were also allegedly part of the 'cow-protecting' mob at Dulina. Yet it must be remembered that the charge of cow-slaughter has both in the past and in recent times been repeatedly directed against Dalits. The VHP-Bajrang Dal-Shiv Sena mobilisation around cow protection has also exacerbated this. Dulina is the most violent and horrific of several such instances that have occurred in the past year. For instance, some months before Dulina, in Aadampur, Hissar, a Dalit youth skinning a dead cow was accused of killing it by local youths associated with these groups, and large scale violence was prevented from erupting only when a post-mortem of the cow was ordered and revealed that the cow had been dead. Similarly, soon after Dulina, on 27 October, Pandit Haridas of Mandi village, Panipat district, found a dead calf in his water tank. He asked 3 Dalit youths passing by on a bicycle for help in pulling it out. The body was thrown outside his field, which borders Chamrana village. Later seeing the opportunity to earn some money, the Dalits decided to skin the calf. Chamrana villagers who saw them started slapping and kicking them. Local communal elements managed to gather a crowd. The local SP Mamta Singh just about managed to avert a repeat of Jhajjar, by taking the Dalits into custody, as well as the body of the calf, and arbitrating between the villagers and the Dalits, leading to the Dalits and the villagers collectively burying the half-skinned body of the cow.

Dalits therefore occupy a problematic and ambiguous position vis a vis the ideology of cow protection. While several may and do get attacked as 'cow-slaughterers', many of them vehemently state that they are cow-protectors. The inclusion of Dalits in this ideology is also being used by the upper castes and Hindu communal organisations to present targeted anti-Dalit or anti-Muslim violence on the issue of cow-protection as a pan-Hindu phenomenon. In the course of our fact-finding, Jat leaders like the Bahadurgarh MLA and others associated with the Gurukul stated how Dalits were also 'cow-protectors' repeatedly citing the point they too had been part of the Dulina mob. They produced Dalit sarpanch Anup Singh of Chandpur village to demonstrate this point. Another instance of Dalit participation in 'cow-protection' was the presence of Dalits in the eight-member committee, which runs the Teekli Gaushala. In a milieu of active caste and communal mobilisation on the cow-issue where Dalits are

Across the Border

For the Teekli Gaushala Committee members the location of the Gaushala and its role in protecting cows is lent a particular urgency by the fact that Mewat is located immediately beyond the line of low hills behind the Gaushala. They constantly refer to the 'border' with Mewat, a 'border' almost represented as a battle-line between the lands of 'cow-protectors' and 'cow-slaughterers'. A segment of the dominant groups feel that Hindus could easily kill if they even *believed* that a cow had been slaughtered. There is also communal mobilisation based on concerted and deliberate representation of Muslims as 'cow-slaughterers'. This is evident in the recent high incidence of posters and hoardings depicting Muslims slaughtering cows with sharp-edged weapons across the state. The targetting of Mewat (where 44.6 % of the population is Muslim) in this situation, could have grave and ominous consequences .

easily targeted along with Muslims, avowal of loyalty to 'cow-protection' possibly becomes for the Dalits, as much a strategy of self-protection as an article of faith.

Whatever its occasional strategic use by Dalits, the fact is, that at times of crisis, the very real economic and social tensions between the dominant and the lowest castes

expose the fragility of the cow-protection ideology's cross-caste status. For invariably, the 'stigma' of cow-slaughter clings to Dalits, to Jatavs particularly, owing to their traditional occupation and their current participation in the leather trade. Their participation in this ideology can always be seen as suspect and made to appear so by the members of the dominant castes.

V. *Caste and the Leather Trade*

Apart from the issue of cow-slaughter and cow-protection raised by the Dulina incident, the question of the leather trade, in which the 5 Dalit victims were engaged in at the time of their murder, and which made them vulnerable both to the police and the mob, also comes in centrally.

The hide trade was and continues to be the logical ancillary of the economic focus on cattle rearing. It is today a vast chain beginning with the kind of work Dayachand and Virender (victims at Dulina) used to do. The three basic units in this link are (1) skimmers of cow-hide (2) traders who purchase (3) those who ferry the hides to the hide-*mandis* located in towns like Karnal, Hapur. From these *mandis* onwards begins the stronger link to this vast chain. The well to do traders or their agents or owners of tanneries and leather factories buy this *kachcha maal* to be further cleaned and processed in places like Kanpur, Calcutta or Madras. From these centres it is either manufactured into leather items or exported. Except for the lowest level this trade is today in the hands of the higher caste groups popularly known among the Dalits as the 'Bania-Brahmin' lobby. At the lowest level it is concentrated in the hands of the Dalits, mostly Jatavs (chamars) and Balmikis (chuhras).

The groups associated with this lowest end of the leather trade are traditionally subordinate in caste society, ex-untouchables, who are rendered doubly vulnerable by the introduction of licensing system in the trade (*See Box on structure of leather trade*). The licensing system means that they, especially Jatavs who skin the dead cattle and others who transport it have to deal with the police who simply use licensing to cash in. Corruption is rampant and openly acknowledged. We were told that there has been escalation of the police extortion from the Jatavs over the years. This cuts into their profits and creates even greater resentment. Police makes no distinction between licence holders and non- holders. The most common threat held out by the police is that of accusing them of having killed the cows to take their skin, while those who do not have licences are additionally fleeced on this account. The licence is also likely to create a rift between licence-holders and the non-licence holders, who poach on the licence-holder's rights. The trader too is vulner-

able to the demands of the police. It is the licence which gives a 'legitimate' excuse to the police to 'check' the trucks carrying hides. The same threat of accusation on charges of cow-slaughter are held out to the trader. Since he has the money, the tendency of the police is to extract as much from him as possible. The Dalit women from the household of Budh Ram in village Badshapur recalled the trader's complaints about the escalating demands of the police for bribes. He resisted this, and said that if he agreed once, it would set a pattern of similar high demands in future.

It is really a combination of licensing and the dominant rhetoric of cow-protection that compounds the vulnerability of those engaged in this trade, especially of those who are engaged in the task of skinning cows and transporting skins. These factors have made this trade hover between 'legitimate' and 'illegitimate' in the practice of the state and public perception.

The vulnerability of the Dalit engaged in the leather trade is also due to it being a fact that cows are slaughtered for their hide as the skin obtained from live cattle is better, more moist and supple, than what is retrieved from dead cows. There is a widespread popular perception that the slaughtering is done mainly by Muslims. However, it was noticeable that the Jatavs were also repeatedly referred to as 'butcher' by members of the Teekli village and Gaushala committee, a term which reveals the easy slide in popular perception between the dominant stereotype of the Muslim as cow slaughterer and the Dalit. The slide is facilitated by the common knowledge that the Muslims in this area are primarily converted from the Dalit castes, mainly Jatav, and both Muslims and Dalits are often referred to as 'kasai'.

Another factor that contributes to the vulnerability of the groups engaged in the skinning of cows is the issue that the work itself is considered 'polluting', and its practitioners 'unclean'.

Skinning dead cattle has been the traditional work of the Jatavs. Even as this trade has become modernised and regulated this crucial work continues to be done mostly by this particular Dalit caste or by Muslims in a few areas. As our conversations with Budh Ram, Daya Chand's father and others of the community at Badshapur (dt. Gurgaon)

Structure of the Leather trade

In 1977 the government introduced licensing fee for the right to collect hides. For purposes of granting this licence each block was divided into zones, each zone having between 40 and 42 villages. The licence was publicly auctioned, fetching anything between Rupees 40,000 to 2 lakh for these rights running into a year. The huge amount of money involved meant coming together of a group of Jatav families to pool resources in order to buy the licence. Thus while the licence was taken this year by Ratan Singh (father of Dulina victim Virender), there were 8-10 persons who shared in the contract for which they paid Rs. 35,000. One estimate suggests that on the whole, this occupation fetches each of the Jatavs sharing the contract about 4000- 5000 rupees a month. In addition to the government contract, the *Gaushala* in the vicinity also sell off their yearly contract at a set price. The *Gaushala* at village Teekli, near Badshahpur, for example charges Rs. 10,000 per year for its dead cattle. The dead animals are collected by the licence holder at their own cost. Such animals can be collected and skinned only in the day time before 6 p.m. at places specifically allocated for such work. The raw hides have to be roughly cleaned and salted to preserve their moisture so that they may not shrink or wrinkle, after being stored.

The next link is the trader or the purchaser of *kachcha chamra*. He is economically better off than the lowest level Dalits as he is able to cash in, although in a minor way, on the fluctuations in the leather trade. He has the capital to purchase, hire a vehicle and transport the raw hides to the market. The stored raw hides are purchased in bulk by these traders who are also most often Jatavs or Balmikis (like victim Kailash) by caste. The traders buy the *kachcha chamra* to take them in a truck to the Mandi such as the one at Karnal where the Dulina victims were headed. The truck owner/driver becomes the third link. Not all trucks are ready to do this work. A Dalit like Karambir, a Balmiki, whose truck was burnt at Dulina, however is willing to do this.

showed, for Dalits themselves, as well as the dominant castes such as jats, this work is 'dirty', 'unclean' and highly 'polluting'. Kailash's daughters (at Karnal) for instance repeatedly emphasised that their father was not a skinner of cattle but only a 'buyer and seller', removed from the 'dirty' work. The complete internalisation of this ideology by subordinate and dominant groups themselves leads to the fundamental contradiction- that the work of skinning cattle, the first component of the chain of trade, on which the entire structure (and the prosperity of both small-scale skin collectors like Virender and wealthy, upper-caste leather factory owners and exporters at the other end of the spectrum) hinges, is considered unclean. Another dimension of the contradiction becomes clear from the fact that while on the one hand the numerous Gaushalas of Haryana, symbolise the ideology of cow-protection, on the other hand they literally profit from dead cows- by giving the right to their skins to the highest bidders, most often Jatavs. Last year the Teekli Gaushala for instance, got Rs. 10,000 from Ratan Singh, father of the victim Virender of Badshahpur.

The improvement in economic status of the Dalits especially from the abhorred task of skinning cattle has caused tensions and contradictions in a society where cow-protection ideology dominates. For many Dalits, especially traditional leather workers, Jatavs like Budh Ram, while

revealing an anxiety to put an end to this traditional work owing to stigma, have also to at least some extent benefited from it. Ratan Singh's and Budh Ram's families continue to do their traditional work, now under state regulation- for it brings in some money, more than other options available to them in present day Haryana. Daya Chand, for instance, used to earn about 4000-5000 Rupees a month. While the work may not bring in as much income for *all* who are engaged in it, especially not for those who do not have a licence or a share in one, it is perhaps relatively somewhat more profitable today than it was earlier. Even educated young men or those like victim Daya Chand's neighbour and associate Dal Chand who till two years ago worked in a factory for Rs. 1270 a month has started working with Virender and Daya Chand as he earns more from this work. The work is also sporadic and does not require consistent effort.

The number of leather working units in Haryana has increased- from 24 in 1994-95 to 45 in 1998-99. The output of these units has grown from Rs. 15294 lakhs in 1994-95 to Rs 46641 lakhs in 1998-99. Several persons of other Dalit castes have got associated with the Jatavs in the trade, owing to its relative profitability. For instance, Karambir, a Balmiki from Teekli, owner of the truck carrying hides at Dulina, was enterprising enough to take loans to the tune of 4.65 lakh to purchase his vehicle (a 1997 model

Tata 407) and used to rent his vehicle out for the task of transporting skins. Transporting skins was risky because the police often stopped such vehicles to ask for bribes- it however meant that the trader, and not the truck-owner paid the bribe. Yet the 'risk' and the stigma attached to the *kachcha chamra* transportation meant that the transporter asked for and got more money than he would for other goods.

The overwhelming fact remains that large numbers of Jatavs have however left their traditional work owing to the stigma. Several have moved to agricultural labour since traditional leather-work too has almost always been combined with agricultural labour by both men and women to eke out their living. The coming in of leather factories in the state in the 1970s also forced several leather workers to resort to other means of livelihood. Some continue to do agricultural labour. Some even acquired some land,

and some were able to work as tenants, and lease in govt. land. In some cases the govt. distributed some small plots of public land in the late 1970s- as in the case of the Dalits in Badshahpur. But as the instance of Talao village, just a few kilometres from Jhajjar town reveals, several of the Dalits have been able to do well, get work in factories, the army, government jobs by taking advantage of reservations and education. About 16 percent of all government jobs are occupied by SCs. Economic mobility among the Dalits has also resulted in their acquiring education. In Karnal, the children of Kailash (the leather trader killed at Dulina) for instance were all in schools and college, his daughters were contemplating higher education and his son was doing his M.A in English. In Aklimpur (Gurgaon), the truck driver, Totaram's wife had passed her matriculate examinations. This economic and social mobility of the Dalits has sharpened a pre-existing context of Jat-Dalit confrontation.

VI. *Mobility and its Consequences*

Economic mobility is reflected in the overall upward social mobility of the Dalits. This upward mobility has strained the traditional caste hierarchy. This is specially visible in inter caste love affairs between Jat and Dalit youths. Such alliances have tried their strained relationship making it even more volatile. The following incident of Talao village (Jhajjar), situated just 3 km from Jhajjar town illustrates this. In Talao, a few months before the Dulina massacre, on 5 July, 2002 a Jat girl, Susheela, and a Dalit boy, Rajpal, eloped and got married. This incident led to 4 deaths, and tremendous tension in the area. The girl took her minor younger sister with her when she left her house. Meanwhile several Dalits of Talao were harassed and humiliated by the village Jats and the police including the DSP, Jhajjar, Narendra Singh. Village Jats threatened 'reprisal rapes' on Dalit girls. One young newly married Dalit girl, a friend of the girls was so humiliated and harassed by the interrogation and police allegations about her 'illicit relations' with Rajpal that she committed suicide on 11 July. Owing to this harassment of village Dalits, the couple decided that the girls should come back, state in court that Susheela was 19 years old and a major, and had married Rajpal of her free will. Though they did so, the court sent the girls back to their parental home. Thereafter the girls are supposed to have committed 'suicide' by consuming poison on 17 July. Several villagers allege that they were forcibly poisoned. On 22 July a caste Panchayat of the Jats fined 2 Dalits and beat them with shoes as 'punishment' for going to the press and officials about the matter of their harassment. Another caste Panchayat of 29 July 'punished' 3 persons including one old man who was publicly humiliated and harassed. Unable to take this he too committed suicide. Rajpal and 4 of

his friends were arrested on charges of abduction. He and one other friend were still in jail when we went to Talao on 14 November, as the court had consistently rejected their bail. Their statement had still to be recorded. Rajpal's house was vandalised and his family has been driven out of the village.

A survey of Talao village, revealed how the Dalits in the area have also done well economically, and in fact in some instances, better than the Jats. The Jats find this intolerable especially when it is seen to be contributing to challenging the caste order in this most fundamental way of inter-marriage with Jat women. Rajpal's father is a *subedar* in the army, and Rajpal himself was studying in Gurgaon, where his uncle had a well-paying job. The girls' father Ranbir had a small vegetable shop in the village. The living style of some of the Jatavs in the area too not only equal but rivals the living standard of the lower class Jats. In Talao the Jat houses face the Jatav houses, instead of having a different *panna* (portion of the village) as decreed by custom and some of the Jatav houses appear no different from that of Jats.

There are ample examples of what are seen to be Dalit transgressions by the Jats, caused by upward mobility. On 23 November, in Jatulhari village in Bhiwani district, a Dalit *baraat* insisted on going through the main road, upon which the upper castes objected. Moreover, the *baraat* went up to the temple while the groom remained seated on a horse, where in fact traditionally the Dalits were supposed to dismount. The upper castes indulged in stone throwing at the marriage procession apparently resulting in injuries. The Jat DSP of Hissar, who narrated the incident to our team stated nonetheless that

it was 'outsiders', political leaders like Mayawati and Paswan who set up the Dalits in the state, else there were 'no tensions' between the upper and lower castes in Haryana. Even the use of the word 'Dalit', seen to be associated with an assertive low caste identity, is denied- in the charged atmosphere of Suhra village during the mahapanchayat of 14 November, the Jats categorically denied that there were any 'Dalits' in the area, only 'Harijans', and that there was complete amity between the castes. In Talao, even simple acts like cleaning up a locality where more Dalits stay, from where water did not drain off, became an act of transgression for the Jats, bringing its own reprisal, particularly when the Dalits tried to move the administration to pay attention to sanitation in the locality. Similarly, as mentioned above, when the Dalits filed an official complaint regarding their harassment by the dominant castes after the elopement of the couple in Talao, there was violence against them by the Jat panchayat. The mere provision of equality before the law in the Constitution is regarded as an assault on the power of the dominant castes.

One form that Dalit assertion has taken in recent times is conversion. In 2002 itself, there have been in-

stances of Dalits converting to Buddhism, Christianity and Islam. For instance, on June 9, four hundred Dalits converted to Buddhism in Kurukshetra. In Mewat, in the first week of October, 50 Balmikis of Shikrawa village were reported to have converted to Islam. Following which representatives of the Hindu right wing descended on the village. Subsequently, the Dalit villagers denied the report of the conversion. Ratan Singh's denial of having converted after his son was killed at Dulina probably stems from similar pressure.

Individual instances of Dalit assertion or perceived 'arrogance', or what are seen to be 'attacks upon Jats' (as the post-Dulina arrests were perceived) are faced by the Jats by asserting their supremacy. One mechanism by which this is done is through the caste ('Khap') Panchayats. These reinforce upper caste, and in most cases, Jat dominance. The strength of these panchayats, their ability to impose punishments and carry them through is evident in Talao as well as in Dulina. The state colludes with these Panchayats by its inaction. The power of these traditional panchayats makes a mockery of rule of law, and constitutional rights guaranteed to Dalits.

VII. Political Mobilisation, Caste and Cow Protection

'Cow Protection' today is a primary tool for electoral mobilisation by the Hindu right. The rural Haryanvis' lack of enthusiasm for highly ritualised Hinduism and its temple centred worship, help explain why the 'Mandir' issue, in the first phase of Hindutva mobilisation in the early 1990s, did not evoke the same appeal in Haryana as in many other parts of India. In Haryana, therefore, 'Ram' has been substituted by the 'cow'. In championing the cow issue, the Hindu right has sought to tap a similar highly emotional-cum-religious issue as the Mandir. The fact that it has succeeded can be seen in the lead given to the Arya Samaj and Gurukul leadership in the traditional Khap Panchayat held at Suhra.

The cow protection move may serve yet another purpose. It must be remembered that the cow protection movement along with *shuddhi* and *sangathan* campaigns was corner stone of the Arya Samaj movement in colonial Haryana. Indeed, the most inflammatory point of conflict between Hindus and Muslims was the issue of cow-slaughter attributed by popular as well as official opinion in the colonial period as a significant cause of riots between Hindus and Muslims. The Arya Samaj then incited the Hindus (owing to the nature of the issue and the Arya Samaj's own base, mainly dominant caste groups) on this issue. It is quite clear that a similar pattern is being attempted now and a Gujarat like situation may well be on its way here.

Significantly, Muslims have a marked presence in Mewat, a part of Haryana, where they are concentrated and form about 44.6 percent of the population of the districts of Gurgaon and Faridabad.

Politically and electorally the Hindu right has failed to make a dent in Haryana. Confined to pockets in cities its followers can be counted mostly among the urban classes. The cow politics gives them the much needed entry point in to the Jat stronghold. The Jats who are badly split in different factions and political parties have got mobilised on a single issue. For once there emerged a united Jat voice. In this the Hindu right agenda is to merge Jathood with their Hindu identity. Caste is clearly being used for communal purposes.

For the Jats, the dominant caste-group, it is an opportunity to come together against other caste groups to show their united strength. As discussed earlier, the Jats have, even in the colonial period, used the cow protection movement and riots occurring because of this as an occasion to assert their domination against other caste groups specially the Dalits. This collective strength also stands above the law of the land- a strength, which no administration has, the inclination or will to fight. The INLD, in power in Haryana at present, or groups like the BKU, with their primarily Jat membership, representing and protect-

ing Jat interests, would therefore completely support such moves.

The use of the cow-issue in relation to the Dalits has other dimensions. Electorally the Dalits are important. Despite claims to the contrary, no one has been able to create any vote bank among them. The Congress alone can be said to have some traditional following among them. In the fight to capture votes, a highly emotional issue like that of the cow can cut both ways. To the Dalits this issue gives the option to side with the Hindutva forces and emerge as champions of the cow, and thus be part of a newly formed Hindu community. It is important to repeat here the fact that Jhajjar is in fact a reserved constituency, and the elected Dalit MLA, Dariyao Rathaura, an inde-

pendent with the INLD, was conspicuously absent in the entire aftermath. It is significant also that the Dalits are being hailed by the VHP in Haryana in a reinvention of history as the 'true champions of Hinduism', because they 'refused' to get converted under 'Muslim rule'. According to the VHP view it was because of this refusal that they were given such demeaning tasks to perform. Alternately, the Dulina killings have effectively shown the fate, which the errant among the Dalits face. 'If you are not with us, you are against us' would hardly leave any option for the Dalits, but to be subordinated. At worst, they may further split. This fragmentation would suit all political parties. In such a case they maybe permanently weakened or some of the Dalits may combine with one dominant faction of the Jats to enable them to win.

VIII.

In Conclusion

The Constitution of India enjoins upon the state to work towards the economic and social upliftment of the Scheduled Castes and Scheduled Tribes (under Articles 15(4) and 16(3) & (4) and 46). The rights of the SCs and STs have been sought to be guaranteed by the abolition of untouchability and reservations in parliamentary and state assemblies, as well as panchayats, in addition to educational institutions and government jobs. These are meant to augment the fundamental rights to equality of all before the law and freedom from discrimination (Articles 14 and 19) available to all citizens. The success, though partial and limited, of these policies, combined with the SC/ST's own efforts at economic and social improvement can be seen in present day Haryana. This improvement, however limited, is deeply resented by dominant castes like the Jats as cutting into their own economic status and well being, as well as challenging their traditional caste dominance. Staunch and violent espousal of 'cow-protection' is becoming a device of articulating this resentment. Dalits and Muslims get immediately (and as in Dulina, fatally) implicated in this process as vulnerable to the label of 'cow-slaughterers', hence becoming direct 'enemies' of the dominant groups. The state by allying with the dominant groups is reneging on its own Constitution and laws.

The lynching of the 5 Dalits at Dulina, the context in which the incident occurred and its aftermath exposes the above processes. Here, the fundamental right to life

(under Article 21) of 5 citizens was violated, while they were in police custody. Their right to practise their occupation (Article 19) as leather-workers and skimmers of cattle was directly attacked. Though the police are among the guilty they continue to investigate the case. In the aftermath of the lynching, they failed to collect evidence, delayed the arrests of the culprits, and along with the bureaucracy, made merely token gestures to counter the backlash by dominant castes. Guilty officials have not yet been criminally prosecuted. State agencies explicitly and implicitly share the dominant castes' view that even the rumour of 'cow-slaughter' makes the lynching of 5 Dalits 'comprehensible'. In this milieu, independent witnesses are unlikely to come forward to testify against officials or the accused who were belatedly arrested. By their action and selective inaction in this case, state agencies have been collaborators with dominant groups in this crime against the Dalits. By openly flouting the rule of law, the agencies of the state, elected representatives, police and bureaucrats, have made a travesty of it.

Finally, as earlier and later incidents have shown, Dulina is not an isolated incident. The systematic anti Dalit and anti Muslim utilisation of the cow-protection agenda and the total complicity of state agencies with the dominant groups, traditional caste panchayats and political parties has ominous implications for the future.

People's Union for Democratic Rights, Delhi
February 2003