

The State of Human Rights in India in 2010 - Asian Human Rights Commission (AHRC)

Pg. 2 – General comment

“India is today a necropolis of human rights for the poor, the marginalised and the underprivileged. Many countries in the world might be the same. What makes India an alarming case is that its poor makes up more than 60 percent of its population, estimated to be 421 million in number, which is a third of the world's poor and more than the entire poor living in 26 poorest African states.

Dalit/caste references:

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The world's largest democracy is today extremely polarised between the traditional haves and have-nots.⁸ Its administration is opportunistic and favours multinational corporations and family-run business empires while conceiving and implementing policies against its own people and their welfare. It is a country that claims itself a democratic republic but authorises the widespread use of torture. It is a state that had once resolved to be a secular democratic republic, but its demographic fault lines are drawn with the crayons of **caste and religious prejudices, where millions of its citizens are still considered to be untouchable**. It is a country of extreme paradoxes where hundreds of domestic and foreign banking and IT experts queue up for employment in its metros while at the same time, thousands of citizens, women and children included, in the early hours of everyday, work with bare hands cleaning sewers, and often carrying human faeces on their head.

The 2010 Commonwealth Games was *the* showcase where this anomaly was recently exhibited, where billions of tax money was spent to show the prowess of the so-called modern India. Little did the world know, nor was it concerned, that **the money earmarked for the development of the Dalits and the poor were spent by the government to undertake the construction of the Games village** and sporting venues to host the multinational sporting event.

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The explanation perfectly mimed India's position concerning caste based discrimination, the worst form of discrimination known to human history; that it is an internal matter. This position has so far justified social evils like manual scavenging, the cleaning of dry latrines with bare hands and carrying human excreta on their heads, a job conveniently and forcibly allocated to the lowest among the **Dalits**.

Those amongst the poor who survived the forced eviction prior to the Games and succeeded to remain in New Delhi's slums, found themselves encircled with huge 30-foot-tall plastic hoardings with messages like '*Welcome to India, the world's fastest growing democracy*' so that the unhappy and uncomfortable reality of India was kept away from the world's eye.

Manual scavenging is an extreme derivative of caste-based discrimination that prevails unabated in India despite having more than two dozen government orders, interventions by courts and legislations against it.

In fact, many upper caste Hindus -- politicians, judges, journalists, academics and some 'Commissioners' included -- believe that **being born a Dalit and thus by default often poor, is one's karma**, and hence argue that it is not a social evil incompatible with the very notion of liberty, equality, justice and democracy. For these proponents of the *Brahminical* order, caste defines the very existential essence of humans. Fortunately for them, this reasoning has found resonance within the government, irrespective of its political colour; the Congress, the fundamentalist and rightwing Bharatiya Janatha Party, and the Communists, including the so-called central left for the past six decades have supported this.¹⁵ This condition is not likely to change in the near future.

The term 'development' in India is restricted within the four corners of its rigid caste system, an order India's upper caste cherishes and promotes. The perceived notion of wider people's participation and the *much trumpeted* village level administration implemented thorough the Panchayat Raj after the 73rd amendment of the Constitution, has also fallen prey to the **deep-rooted caste psyche of India**; so much so that decisions made by these bodies are **overshadowed with caste prejudice**.

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The decision of the Lank village panchayat in Muzaffarnagar district of Uttar Pradesh state made on 22 November this year prohibits the use of mobile telephones by unmarried girls, since the panchayat as well as parents are of the opinion that the use of mobile telephones allows girls to have affairs with boys outside their '**caste defined' limits of who marries who**. It is alarming that such restrictions are considered to be perfectly normal and even necessary to preserve so-called Indian virtues.

Torture of the poor is one of the pillars of India's social hierarchical structure. It is so widely practiced that none of India's 12,618 police stations and 7,535 police outposts are an exception to it. Other agencies operating in India, like the paramilitary units also engage in brutal forms of torture and other human rights violations like rape and extrajudicial executions. Yet not more than three officers of the Indian paramilitary establishments were subjected to prosecution this year. Draconian laws like the Armed Forces (Special Powers) Act, 1958 provide statutory impunity to paramilitary forces, allowing them to kill anyone on mere suspicion.

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A critical analysis of human rights in India therefore must deal with the following three elements -- the widespread use of torture, the denial of the right to food and caste based discrimination.

(Torture and the right to food are analysed separately, with caste based discrimination discussed as a common factor as it is closely interrelated and interwoven with both issues to a certain degree of inseparability in India)

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Most importantly and unfortunately, the case is not a standalone incident of some rogue police officer going astray. Indian police and paramilitary units are infamous for sexually assaulting, including stripping and parading women in public spaces, to instil fear among the masses and to quell dissent.²² **They are also known for looking the other way when locally dominant people, especially from the**

upper caste and class in rural India, commit crimes...The AHRC this year alone has documented more than 40 such cases, spanning the length and breadth of the country that proves this point.

[This] exposes the **culture of silence when the victims belong to the Dalit or tribal communities**, who are among the country's most poor, disadvantaged and vulnerable. Rather than being actively supported by the government and civil society, including the media, **they are in fact abandoned and left to fend for themselves against all odds.**

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[This] clearly spotlights the **ideologies of violence, caste and gender based discrimination that rule India, despite its many claims of being the world's largest democracy.**²⁷ It also reveals that these **prejudices are as strong today as they were hundreds of years ago.** Even worse is the fact that the **caste based value system has remained internalised even amongst educated elites**, who are primarily responsible for the constitutional mandate of eradicating it.

When it comes to justice for the poor and the downtrodden -- belonging to the lower castes in most cases as the boundaries between lower caste and lower class in India are very thin -- the reactions often make up two extremes. One is **utter disregard and contempt for the idea of justice, while seeing the victims as dehumanised creatures bereft of any dignity.** The other is highly patronising benevolence offered in response to qualified inclusion by various ways like *Sanskritisation*. Even this patronising attitude is missing however, when the victim is a Dalit, tribal or a minority woman suffering with the double burden of two underprivileged identities.

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Among the manifold causes for the Maoist insurgency in India are extreme poverty, loss of livelihood options, feudalism and **caste-based discrimination.**

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... state institutions at the rural level should be free from corruption and discriminatory practices like caste based discrimination.

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Instead of ensuring **food security** at home by providing substantial and sustainable resources such as land or other agricultural assistance for the landless or small-scale farmers whose children are malnourished, the government appears to be emphasising on the child health care system. This is a failing strategy to address child starvation deaths however, as it does not address the root causes of feudalism, **caste based discrimination** and emergency relief.

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The villages having a high number of malnourished children are those belonging to the tribal, Dalit or other lower caste communities. This is due to a series of reasons: (1) the **consistent denial of**

facilities like clean drinking water, sanitation, educational and medical institutions; (2) the **bonded labour system widely practiced against the tribal and Dalit communities**; and (3) the **landlessness of the tribals and the Dalits**. In most villages of Uttar Pradesh, Madhya Pradesh and Orissa, landed **Dalits and tribals work as bonded labourers in their own land since they are either denied possession of the land by the landlord**, who often is from an upper caste community, particularly from the Brahmin caste, **or are forced out of their land by the upper caste community in the locality with the help of the local police**. Most of these villages do not have an Anganwadi Centre (AWC; child care centre) or only have sub-AWCs that merely provides supplementary food. Furthermore, most of the AWCs reported by the AHRC do not function well. Either the building for the AWC is not completely constructed, or the workers are not properly trained or they **discriminate against the tribal and Dalit communities and refuse entry to their children or their mothers**.

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Non-transparent and non-participative processes in what the government calls development is one of the biggest poverty creators in India. During the past decade it has played a significant role in aggravating food insecurity in rural India, of which the **Dalits**, tribals and the rural poor are the primary victims.