

## India

The key issues in the struggle against caste discrimination in India in 2011 were protection and access to justice, implementation of laws and government provisions, access to basic services, labour, employment and the increased vulnerability of Dalit women due to multiple discrimination.

In 2011, a Thompson Reuters TrustLaw survey identified India as one of the top five most dangerous places in the

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**“In India I heard the testimony of scores of Dalit women who had been beaten, raped or had their families threatened because they were serving local governing councils. I also had the privilege to stand with nearly 1,000 Dalit women as they rallied to declare themselves ‘free’ of the degrading work of ‘manual scavenging’... Those women were raising their voices to claim their rights and dignity and had symbolically burned their manual scavenging baskets. I was struck by their bravery. Many of them had known no other way of life and had no guarantee of an alternative source of income for their families - yet they were making a stand.”** Gay McDougall, Professor at Georgetown University, Former UN Independent Expert on Minorities following a visit to India.

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world to be a woman. Several media have reported that Dalit women are particularly at risk in India and violence, humiliation, and gender and caste discrimination continued to function as severe barriers to progress for Dalit women.

Across India in 2011 there has been a strengthening of the Dalit women’s movement with collaboration, workshops, leadership training, and the assertion of legal and political rights, empowering Dalit women to stand up against the extreme oppression they continue to face. The National Federation of Dalit Women, Navsarjan Trust and the forum of Dalit women AIDMAM, a part of The National Campaign on Dalit Human Rights (NCDHR), continued in 2011 to work towards the empowerment and protection of Dalit women in India. Dalit women are a cross cutting concern in all activities to counter caste discrimination in India.

The Prime Minister of India, Manmohan Singh, made strong statements in 2011 about prioritizing combating violence against Dalits. The Supreme Court and the Scheduled Castes/ Scheduled Tribes (SC/ST) Commission in India, also followed up with strong recommendations to stamp out caste discrimination and bring perpetrators to justice. These statements and rulings reflect that despite efforts to counter caste discrimination made by civil society and the central Government, untouchability and atrocities against Dalits continue and in some states they are on the rise. In spite of India’s legislation to counter caste discrimination, lack of access to justice, lack of implementation of laws and the failings of the police and judicial system remain a serious barrier to progress.

Numerous reports of police violence and brutality and an alarmingly large number of reports on police neglecting to register Dalit complaints, standing by as Dalits are beaten or even murdered, and threatening violence against Dalit human rights defenders were seen in 2011.

While the National Human Rights Commission (NHRC) has made some recommendations in 2011 to states and police to reopen Dalit cases and to enforce the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act (SC/ST

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**“A large section of Indian society still regards a section of their own countrymen as inferior. This mental attitude is simply unacceptable in the modern age, and it is one of the main causes holding up the country's progress.”** Supreme Court Bench of Justices Markandey Katju and Gyan Sudha Misra.

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Act), the NHRC continues to have severe shortcomings. These shortcomings were documented in a 2011 Report on the Compliance with the Paris Principles by the National Human Rights Commission of India published by the All India Network of NGOs and Individuals working with National and State Human Rights Institutions (AiNNI), including People's Watch – Tamil Nadu, and was endorsed by over 300 NGOs and individuals including NCDHR, Navsarjan Trust and IDSN.

Due to the severe shortcomings of both law enforcement and the judiciary system in India NCDHR, People's Watch and Navsarjan Trust continued to focus much of

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**“In India, we have a culture of non-implementation especially when it comes to marginalised communities. This is something which has become stronger over the last 20 years. Discrimination that before was mainly in the society has found ways of cementing itself in the government structures.”** Vijay Parmar, National Convenor, National Campaign on Dalit Human Rights

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their efforts on initiatives such as filing public interest litigation, monitoring the implementation of the SC/ST Act, assisting Dalit victims with legal aid and working to further amendments of the SC/ST Act so that it is up-to-date and can be implemented more effectively. IDSN international associate, the Asian Human Rights Commission (AHRC) also focused much of its attention in 2011 on the failings of justice in India.

In January 2011, The UN Special Rapporteur on Human Rights Defenders, Ms. Margaret Sekaggya, visited India. In her statement she raised particular concern for the situation of Dalit human rights defenders and noted widespread deficiencies in implementation of laws to protect human rights defenders. She pointed out that the central and state government as well as the National Human Rights Commission must do more to protect the rights of human rights defenders. Throughout 2011, NCDHR's National Dalit Movement for Justice (NDMJ) continued to document cases of threats of physical assault and murder, torture, illegal detention, forced disappearances, illegal imprisonment, surveillance and targeting of family members, and implicating in false cases, against Dalit human rights defenders.

NCDHR and other Dalit organisations including the National Conference of Dalit Organisations (NACDOR), monitored Union and State budget allocations for Dalits closely, documenting the diversion of funds earmarked for Dalits and working to ensure more targeted budgets. The National Advisory Committee (NAC) recommended to the Prime Minister that implementation of provisions for Dalits and tribals must be ensured in order to bridge the gaps on development indicators between these groups and the rest of the population. In order to promote a focus on Dalit rights and provisions for Dalits in future, NCDHR have also made significant inputs to the approach paper to the Government's 12th five year plan.

The National Dalit Watch (NDW-NCDHR) released a report in 2011 documenting that Dalits were unable to access government disaster relief programmes in relief work following the Yamuna floods in India in 2010. Later in 2011

a National Consultation on 'Addressing Caste Based Discrimination in Disaster Response' was organised by a coalition of civil society organisations, together with NDW and Sphere India, with the support of IDSN and the EU.

A best practice case study from NDW and a draft general framework on elimination of caste discrimination in disaster relief and rehabilitation programmes, formed the basis for the national consultation.

According to the latest estimates of the Planning Commission Report of 2010, 37% of the Indian population live below the poverty line and between 40-47% of them are Dalits. Poverty in itself is a source of ill health, hunger and deprivation and in 2011, caste discrimination not only exacerbated poverty, but continued to be a severe hindrance to accessing basic services such as health care, water, food, housing and education.

Discrimination against Dalits in health services, both public and private, included many forms of untouchability practices. In 2011 the media reported cases of health workers refusing to give vaccines to Dalit children and turning away pregnant Dalit women from giving birth in clinics. A study published by UNICEF and the Indian

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**“When public institutions of justice fail, having a law to guarantee non-discrimination of Dalits is of no meaning ... A way to effectively address caste-based discrimination in India is by reforming institutions of justice administration.”**

AHRC Statement: India: Dalits should save themselves through justice reforms

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Institute of Dalit Studies<sup>22</sup> found that the consequences of discriminatory practices severely limit Dalit children from accessing health services, and are attributable to the poor health and significantly higher level of mortality of Dalit children. Maternal deaths were also found to be much higher among Dalits than among the general population. The study calls for developing safeguards and codes to check discriminatory practices at all stages of service delivery.

According to the 2011 Global Hunger Index, the food security situation in India is alarming with only 14 countries ranking lower than India on the list. The Asian Legal Resource Centre (ALRC) issued a statement stressing that corruption and discrimination in India, Nepal and Bangladesh are leading to widespread child malnutrition and noted that landless Dalits are particularly vulnerable to the Government failures. Reports furthermore highlighted many cases of discrimination in the provision of Government midday meals in schools and in the public food distribution system.

Beyond the state of housing for Dalits generally being dismally low due to poverty and social exclusion, 2011 saw a wave of unlawful demolitions of Dalit settlements. NCDHR intervened in large scale demolitions and evictions which were carried out by the Delhi Development Authority (DDA) affecting more than 6,000 Dalit residents in Delhi, and took part in conducting a mapping of Dalit settlements in New Delhi, to counter future forced evictions and failings to provide compensation or other budgetary rights to urban Dalits. Problems with corporate takeovers of Dalit land also continued to plague Dalit families in 2011.

Dalit children were also frequently treated in a humiliating and degrading manner in schools and in public places, at times accompanied by severe corporal punishment. Reports from Navsarjan trust and the media, have identified numerous practices of caste discrimination in schools including children being made to sit at the back of the classroom or on the floor, being forced to clean school toilets, not having their homework checked by teachers or not receiving school textbooks.

Some of these factors have significantly contributed to the higher dropout rates among Dalit children who face a hostile environment at school. The difference in dropout rates between Dalit youth and all Indian youth has actually risen over the past years. Literacy levels are recorded to be the lowest among Dalit girls at 24%, compared to the national average of 43% percent for the female population. In the Mushahar Dalit community, barely 9 percent of women are literate.

Even for Dalits who manage to progress to study a higher education, the harassment is seen to continue into colleges and universities and a grave consequence of this has been that a disproportionate number of Dalit students have committed suicide, as documented in a 2011 report on caste discrimination in the Indian Institute of Technology (IIT)<sup>23</sup> and reports by the media on several other institutions of higher education.

Traditional forced caste occupations, such as manual scavenging, persist in India despite being illegal and the Government and the Prime Minister committing in 2011 to stamp it out before the end of the year. Reports of Dalits working in bonded labour in construction, mining, farming, domestic service and the textile industry also appeared in 2011 and the UN Special Rapporteur on Contemporary Forms of Slavery, Ms. Gulnara Shahinian, identified caste discrimination as one of the root causes leading to child slavery in the mining and quarrying sector.

Dalits and tribals in India continue to be the main victims of child slavery and child labour. A report was released in 2011 called Captured by Cotton on the Sumangali Scheme where Dalit girls work in bonded labour in Tamil Nadu's cotton spinning mills and the Center for Human Rights and Global Justice, also released a report finding that caste discrimination exacerbates the agrarian crisis in India, which has seen large numbers of farmers commit suicide when they are unable to sustain their livelihoods. Both reports are described in the Private Sector chapter.

The role of Dalit entrepreneurship in eradicating caste discrimination was a strong theme in the media in India in 2011. Following rosy success stories on Dalits who had become billionaires, several Dalit billionaires and renowned economists and sociologists warned that this did not represent an overall improvement in Dalit access to employment. The Confederation of Indian Industry (CII) released the result of the first ever census on caste representation in the private sector revealing that Dalits are seriously underrepresented in the workforces of many states. Even in states where Dalits were more present in the work force, the President of the CII and Vice-Chairman of Tata Steel, Mr. B. Muthuraman, explains that most of the Dalits are employed in very low grade jobs and their numbers in managerial and other higher posts are minimal or negligible.

Tata steel is one of the few firms who have introduced affirmative action policies to try to ensure that their company is more caste inclusive. The CII has called on member companies to prioritise providing jobs for Dalits and chalked out a roadmap to provide job-oriented training to 50,000 Dalits and tribals and employment for them in 2011. Another positive 2011 development is that the Indian Government has made it mandatory for all central bodies to make at least 4% of their annual purchases from small scale industries owned by Dalits and tribals.

2011 has seen significant media attention to caste discrimination in India throughout the year and several new books have been released on the caste issue to much critical acclaim. Publishers include Navayana Press, the World Bank and Routledge. NCDHR also released a startling documentary entitled Whose money, whose games on illegal evictions of Dalits and the diversion of funds for Dalits in connection with the 2010 Commonwealth Games and other documentary films focusing on caste discrimination have also premiered in 2011. The Video Volunteers network, continue to focus on caste as part of their IndiaUnheard project and feed these videos into the mainstream media.

During the course of 2011, Dalit human rights defenders from India took part in several events abroad organised by IDSN, meetings at the UN Human Rights Council and UN Minority Forum, a hearing and lobbying meetings in the European Parliament, and other meetings in global contexts.

NCDHR furthermore initiated a Conference on Decade of Dalit Rights UN to review past interventions, mainly at the UN, and to chalk out future strategies for 2011-2020. The main conclusions and reflections from the conference were included in the conference declaration. A consultation by NCDHR on the Universal Periodic Review of India coming up in 2012, with the regional level associates took this procedure to a grass root level and encouraged grass root organizations to contribute their inputs to the larger report submitted by the National Coalition for Strengthening the SC/ST PoA Act initiated by NCDHR.