

## India

The struggle for the rights of India's more than 200 million Dalits made some progress in 2013. Dalit civil society continued to lobby the Government to make legislative changes, and these efforts were partly rewarded, e.g. with the adoption of a new law on manual scavenging. But even in areas where good legislation does exist, lack of implementation – and the resulting impunity – remains a very serious issue.

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**New laws are useless unless implemented, as we have seen with previous efforts to ensure protection of Dalit rights.** Juliette de Rivero, Human Rights Watch, at UN side event on Dalit women

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Other key issues for the Dalit movement were the rights of Dalit women, budget allocations for Dalits and other marginalised groups, and land rights. Despite good news in some areas, caste-based violence and discrimination continued unabated. Atrocities – the term often used for human rights violations against Dalits – included rape, murder, other forms of violence, and numerous forms of discrimination.

The fate of three respected Dalit human rights defenders in early 2013 serves as ample illustration of the perils, difficulties, contradictions and occasional rewards of struggling against caste discrimination and 'untouchability' practices in India. One of the three was murdered; another was refused a passport by the Indian authorities; and a third activist received an award from one of India's leading newspapers.

On 12 February, Chandrakant Gaikwad, a 30-year old Dalit human rights defender from Maharashtra, came under attack by a group of dominant caste men, whose leader allegedly shot him dead. Chandrakant Gaikwad had previously filed a case against the murder suspect for committing a crime against Dalits. Because of this, the suspect had reportedly issued a number of threats against him.

Chandrakant Gaikwad was a volunteer with the National Dalit Movement for Justice (NDMJ), part of the National Campaign on Dalit Human Rights (NCDHR). After the murder, NDMJ General Secretary Prasad Sirivella called him a courageous defender of Dalit human rights. "It is a horrible and senseless tragedy that this honourable and important work has cost him his life," he added.

In early January, the Dutch government presented its annual award, the Human Rights Tulip, to Marimuthu Bharathan, a Dalit human rights defender from Tamil Nadu. The award jury described him as a "tireless champion of better living and working conditions for his country's Dalits". He was, however, unable to travel to the ceremony in The Hague, as the Indian authorities had refused to renew his passport, apparently due to a false murder charge.

Mr Bharathan's work for Dalit rights in Tamil Nadu has put him on a collision course with the state's authorities who consistently disrupt his work. His difficulties can be seen in the context of caste discrimination as well as the generally shrinking space for civil society in India.<sup>47</sup> The Government is increasingly limiting the possibility of civil society organisations to receive foreign funding, thus undermining the work of NGOs, including organisations that struggle for Dalit rights.

On a more encouraging note, the grassroots Dalit organisation, Navsarjan Trust, won the Times of India Social Impact Award for its pioneering work on behalf of the legal rights of Dalits and other marginalised communities in the state of Gujarat. When accepting the award, the organisation's Executive Director, Manjula Pradeep, said that it honoured "not just Navsarjan, but all of those who fight for the rights of the Dalits and other marginalized communities in India."

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**“You are a very stratified society, more so than most others, and the caste system is very entrenched. I do think Indian society needs to be challenged about the Dalits because it ends up affecting your humanity.”** Desmond Tutu, Archbishop Emeritus and Nobel Prize Laureate

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One manifestation of caste discrimination is communal violence against Dalits. On 13 April, 400 members of a dominant caste community attacked the Dalit quarter of the village of Pabnava in Haryana. Having failed to break up an inter-caste marriage between a Dalit man and a woman from their caste, they ransacked the homes of 200 families. Six Dalit villagers were injured in the attack. Many Dalits subsequently fled their homes and were effectively forced to live as refugees.

“The deserted houses in Pabnava are mute witnesses to the gloom and fearful atmosphere that arises in the trail of several such instances of brutal caste violence,” a fact-finding team said after visiting the village. It accused the authorities of providing inadequate safety for the Dalit villagers and added that the government of Haryana had reacted in a very casual way. It also noted that the state had “earned notoriety for large and gruesome cases of caste violence against Dalits”.

Attacks against Dalits are mostly carried out with impunity. On 9 October, the High Court in Patna, Bihar, acquitted 26 men who had previously been sentenced for the brutal massacre of 58 Dalits in Laxmanpur Bathe village in 1997. The two judges ruled that the witnesses in the case – there had been 90 of them at the original trial in 2010 – were “not reliable”. The acquittals angered and shocked the surviving villagers who expressed fear that the armed men would return.

Acquittals have happened in a number of other massacre cases in Bihar, usually involving killings of Dalits and other marginalised groups by members of ‘upper caste’ militias: “Almost inevitably, in cases where the victims are poor, landless peasants and Dalits, the perpetrators have remained beyond the reach of law,” The Hindu wrote in an editorial.

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**I have had mail from Dalit and Adivasi friends asking why we, the feminist women and men of India, and our Prime Minister and high profile people... do not weep copiously or hold candlelight vigils when they, India’s Dalits and Adivasi people, are routinely raped, every single day in our country. I have no answer. I can only hang my head in shame.** Mari Marcel Thekaekara, Columnist, New Internationalist

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Most of the victims in the Laxmanpur Bathe massacre were women and children. Dalit women are particularly vulnerable to different kinds of caste-based violence and discrimination due to the intersectionality of caste, gender and, in many cases, poverty. They face multiple forms of human rights abuses, including sexual violence, bonded labour, and a lack of access to justice.

Since December 2012, public attention to violence against women in India has been higher than usual because of the savage gang rape, and subsequent death, of a young woman in Delhi. However, the countless cases of sexual violence against Dalit women have only warranted a fraction of that attention.<sup>52</sup> Campaigners are trying to change this as they seek to highlight the plight of India’s 100 million Dalit women on a national and international level.

AIDMAM, the Dalit women’s platform of NCDHR, is at the forefront of the struggle for these rights. AIDMAM argued that specific references to the vulnerability of Dalit women should be included in the report of the committee,

led by former Chief Justice Verma, that was set up to change legislation on sexual crimes. When this did not happen, AIDMAM expressed disappointment.

Dalit organisations carried out a fact-finding mission to Kandhamal District, Odisha, in January to investigate a number of rapes of Dalit Christian girls. In one horrifying incident, a 13-year old girl was gang-raped and murdered by three young men. The team accused the local authorities of “purposefully neglecting the cases of violence against Dalit and minority girls.” It also pointed out that these cases do not “figure in the recent discussions on sexual violence and rape in India.”

Throughout the year, Dalit women activists organised meetings, analysed their situation and demanded change. One such occasion was the first ever Dalit and Adivasi women’s congress that took place in Mumbai in February. More than 200 Dalit and Adivasi (tribal) women discussed their common struggles against discrimination, exploitation and marginalisation.

In September, AIDMAM organised a ‘National Tribunal on Violence against Dalit Women’ in New Delhi. The Tribunal heard more than 45 horrifying testimonies of crimes committed against Dalit women – including kidnapping, murder, assault and rape. These crimes have all been committed with impunity. Hence, a ‘jury’ was present to allow the victims to seek a parallel course of justice.

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**Various Dalit women campaigns across the country are regularly monitoring the cases of sexual violence against Dalit women, but unfortunately they always hit a dead end; the dominant caste threats, the inadequacy of the law enforcement agencies and the collusion between the two leaves no hope of justice.** Report from the National Tribunal on Dalit women

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The jury spoke of the collusion between the police and other authorities in protecting perpetrators of crimes against Dalit women. It found a number of major issues to be recurrent in the many testimonies, including the failure of existing legislation; the corruption of the existing criminal justice system; the collusion of government health care institutions in protecting criminals; and lack of awareness of new legislation.

The Tribunal took place a few weeks after civil society protests against the authorities’ handling of an alleged rape and murder case in Jind, Haryana. A 20-year old Dalit woman was found dead near a canal on 25 August, the day after she had arrived in Jind to take an exam. Her body reportedly bore marks of violence, but an unprecedented three autopsies have proved inconclusive.

A fact-finding team led by AIDMAM was highly critical towards the investigation of the case. In a report published 10 days after the discovery of the body, the team accused the authorities of following “their casteist and patriarchal biases” and trying to make it look as if the young woman was responsible for her own death.<sup>58</sup>

In November, UN women South Asia launched a joint advocacy campaign in India to end violence against women that “aims to increase awareness on violence against Dalit women and call for solutions to address it on a priority basis.” The campaign features a video interview with IDSN associate Dr. Ruth Manorama, President of the National Alliance of Women in India.

Another serious manifestation of discrimination against Dalits, and Dalit women in particular, is manual scavenging – a form of caste-based slavery that forces them to clean out dry latrines with their bare hands. Campaigners against this inhuman practice began the year as they had ended the previous one – on the march. The Maila Mukti

Yatra, involving thousands of former and present manual scavengers, concluded in New Delhi on 31 January after having crossed 18 states over a period of two months.

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**Despite prohibition of manual scavenging, the practice is still prevalent... This dehumanising practice is inconsistent with the right to live with dignity.** Kumari Selja, Minister for Social Justice, India

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At the event marking the final day of the march, three ministers promised that the Government of India would allocate more funds for the welfare and rehabilitation of manual scavengers. UN officials also attended the event, and the UN High Commissioner for Human Rights, Navi Pillay, sent a strong message of support to the Yatra.

The organisers of the march, Rashtriya Garima Abhiyan, and other groups continued their campaign against manual scavenging throughout 2013. Their efforts were rewarded in September when the Indian parliament passed a long awaited bill on 'The Prohibition of Employment of Manual Scavengers and their Rehabilitation.'

Previous legislation on the issue dating back from 1993 had been completely ineffective. Campaigners consider the law a step on the way to eradicating manual scavenging, even though it is weak in some areas. One example is the lack of clear provisions for enforcement of the law in government institutions like the Indian Railways, a major employer of manual scavengers. The law also fails to protect Dalit Muslims and Christians who work as manual scavengers, as it only covers 'Scheduled Castes', the official term for Dalit Hindus, Sikhs and Buddhists.

The most important piece of legislation concerning Dalits in India is the SC/ST Prevention of Atrocities Act that is meant to protect Dalits and Adivasis against violence and discrimination. For years, a broad coalition consisting of hundreds of civil society groups has conducted a nationwide campaign to secure amendments to, and proper implementation of, this law. By the end of 2013, the Government of India had moved closer to amending the Act.

Another important area with a pressing need for new legislation is budget allocations for Dalits. Huge amounts are set aside in government budgets for social programmes involving Dalits – through the Scheduled Castes Sub Plan – but all too often funds are misused, underused or diverted for other purposes.

In early December, a coalition of various groups advocating for legislation on economic rights for Dalits and Adivasis organised a campaign to put forward their demands. They criticised new draft legislation for not adequately addressing the problems. Asha Kowtal of AIDMAM argued that the new bill should aim at bringing in structural changes and added that there had been "massive diversion and pilferage both at the stage of allocations and implementation".

The movement for Dalit economic rights has gained considerable success at state level by establishing Dalit Budget Resource Centres in nine states to create awareness of various budget schemes for the benefit of Dalits. As a result many individuals have benefitted. The movement is hoping to transfer these gains to the national level.

The struggle for Dalit land rights gained some momentum in 2013 with the formation of the National Alliance on Dalit Land Rights (NADLR). In April, thousands of activists marched in New Delhi to launch a new claim petition campaign aiming at mobilising Dalits in 250 of the country's 680 districts to file land claims. This campaign could reach as many as 2.5 million Dalits – an estimated 80 per cent of rural Dalit households are landless.

A very serious example of the need for securing land rights for Dalits and other marginalised groups is the POSCO-India industrial project in the state of Odisha. As many as 22,000 people, including thousands of Dalits, are threatened with forced evictions to make way for a steel plant and a port. According to a report published in June 2013, the eviction of many landless labourers from the area will "particularly affect Dalits, who tend to be disproportionately landless."<sup>63</sup> The report's authors have called on the Government of India and South Korean

steel giant POSCO to suspend the project. In October, eight UN Special Procedures mandate holders joined that call, citing serious human rights concerns.

Land rights were also among the agenda items during the Third National Conference of Dalit Organisations in early December. Thousands of Dalits and other marginalised groups gathered in New Delhi to discuss their concerns. During the Conference, 7,000 participants joined a 'Dalit Dignity March'. The event was organised by the National Confederation of Dalit Organisations (NACDOR) and other groups.

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**As a society, when we hear about untouchability practices, we should feel outraged, as we would with other criminal acts like murder and rape. It's time we accepted that the practice of untouchability is not the vestigial remains of some backward, social phenomenon or tradition: it's a criminal offence. Let's start calling it what it is.** Stalin K, filmmaker and human rights activist

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In 2013, Dalit human rights defenders from India continued to engage in international advocacy work. They provided input for the UN Special Rapporteur on violence against women, Rashida Manjoo, prior to her visit in April and May, and Dalit women activists met her while she was in India. On the final day of her mission, Ms Manjoo spoke of the "culture of impunity for violations of the rights of Dalit women".

Human rights defenders from NCDHR, Navsarjan and other Dalit organisations travelled to Geneva, Brussels and Strasbourg to take part in IDSN interventions. These included the ground-breaking side event on Dalit women during the UN Human Rights Council in June and lobby work leading up to the European Parliament's historic resolution on caste discrimination in October. Organisations like AIDMAM and Navsarjan also made submissions on the issue to UN treaty bodies.

Together with Women in Governance (WinG), NCDHR has initiated a regional training programme for Dalit and Adivasi Women on UN human rights mechanisms. Sessions took place in Bangladesh and India.

NCDHR General Secretary Paul Divakar continues to play an important role in efforts to include the caste issue in the post-2015 global development agenda. As convenor of the Indian umbrella group, Wada Na Todo Abhiyan, which comprises 2,000 civil society organisations, he has been an active participant in the debate on the future global development framework. In September, Paul Divakar visited New York in connection with the UN General Assembly session. He took part in several high level meetings, including a panel debate, where he stressed the need to address inequality and social exclusion of Dalits and similarly discriminated people.