

PRESS RELEASE

REGIONAL PEOPLES' TRIBUNAL Dalit Human Rights in South Asia

Jointly organized by



Regional People's Tribunal on caste based discrimination will be the first of its kind to be held in New Delhi jointly organized by Swadhikar- National Campaign on Dalit Human Rights (India), Samata Foundation (Nepal), Nagorik Udyog (Bangladesh) Asia and Dalit Rights Forum (ADRF), on 17th March 2015 at Constitution Club of India, New Delhi.

BACKGROUND

Caste discrimination is one of the most serious human rights issues in the world today, adversely affecting more than 260 million people globally. The majority of people suffering from caste discrimination are Dalits living in South Asia. The caste system is a strict hierarchical social system based on notions of purity and pollution. Those at the bottom of the system, who call themselves Dalits, suffer discrimination influencing all spheres of life and violating a cross-section of basic human rights including civil, political, social, economic and cultural rights and the situation is barely improving. Dalits Rights are not protected and respected; and the universal principles of non-discrimination, dignity and equality are a far cry from reality.

The prohibitions, restrictions and violations against Dalits are multiple; they are committed and enforced by both state and non-state actors, and are often the result of sanctioned impunity in the police and justice systems.

The Tribunal sought to bring together instances of caste-based discrimination faced by the Dalit community in the region. The presented cases brought to fore the different legal provisions and interpretation of law in the region. The cases from across the region cutting across religious lines were reflective all pervasive caste reality in the Sub-Continent.

While Nepal's newly constituted Constitution speaks of Dalit rights at length, Afsana Amin, from Bangladesh's *Nagorik Udyog*, commented, "our 6.5

million Dalits suffer from caste-based atrocities in lack off anti-discrimination laws in Bangladesh.”

P.L. Puniya, Chairman National Commission of Schedule Caste while inaugurating the Tribunal, commented, “*Division of the society on caste basis is the main reason for atrocities on deprived sections of the society. It is a matter of great anguish and pain that this happening in the modern period in the civilized societies.*” He hoped that through the discussions and proceedings of the day new suggestions and solutions will emerge.

DETAILS OF CASE PRESENTED

The 13 cases presented came from Bangladesh, Nepal and India. Some of the cases heard by the Tribunal included—

From Nepal, *Laxmi Raut Dom* a Dalit man belonging to Dom community was discriminated on the basis of untouchability in denying access to community water resource. *Sete Damai*, a Dalit man was stabbed to death and family intimidated and threatened following inter-caste marriage of his son. The court found the accused guilty and sentenced them to 10 years of rigorous imprisonment. But the accused persons have appealed in the Supreme Court.

From Bangladesh, *Shree Dulal Chand Rabidas*, a Dalit youth who was physically abused by the local representative on the suspicion that he has stolen their motorcycle. The other cases presented from Bangladesh was of a Dalit girl who was abducted by 4 upper caste Muslims

From India 8 cases were presented that included two Dalit children aged 2 years and 9 months who were charred to death in Faridabad. A Dalit youth in Maharashtra who was brutally murdered for keeping a song about Ambedkar as his ringtone and the dismissal of *safai karamcharis* from their post in Delhi University without providing any reason were among the cases presented.

JURY RECOMMENDATION

LAW AND ITS IMPLEMENTATION

1. Effective implementation of existing laws especially with respect to the realities of Dalit community.
2. Special Bench to be set up at Supreme Court of India to monitor and fast track the cases.
3. State and District vigilance Monitoring Committees hold monthly review meetings and submit reports of status and implementation of SC/ST Prevention of Atrocities Act. No bail application is opposed.
4. Public officials violating the provisions of Prevention of Atrocities Act to be duly punished.

5. Fast track court to be constituted.

GUIDELINES AND STRATEGIES

6. Judges have a responsibility to review the implementation of the Act, under Bangalore guidelines. These were used to invoke Vishakha guidelines before the enactment of the law.
7. The strategy of Public Interest Litigation to be further utilised.
8. In order to address the judicial caste-based bias, awareness on legal developments across the region need to be monitored.

NATIONAL AND INTERNATIONAL MECHANISMS

9. Push for revival of UN guidelines on descent based work and discrimination.
10. Develop a common approach across South Asia to address caste based discrimination and violence. At the same time, also ensure country specific realities and strategies are foregrounded.