

Caste discrimination in India

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Caste discrimination is a highly politicised and sensitive issue in India. Despite constitutional safeguards and special legislation for the protection of the country's 201 million 'scheduled castes' (the official term for Hindu, Sikh and Buddhist Dalits), violations of their fundamental human rights continue on a massive scale. Key issues include access to justice and rising violence against Dalits, multiple discrimination against Dalit women, slavery and child labour, discrimination in education, untouchability and access to basic services including humanitarian aid, social and economic rights and shrinking space for Dalit human rights defenders.

Access to justice and rising violence against Dalits

The enduring failure of justice when it comes to protecting the rights of India's 200 million Dalits is a key obstacle to ending caste discrimination and the structural hierarchies underpinning an entrenched discriminatory mind-set.

A number of reports have been issued on the failure of the administration of justice to protect Dalits in India. Most recently the 2015 Equity Watch report "[Access to Justice for Dalits in India](#)". The report, released by the National Campaign on Dalit Human Rights (NCDHR), supported by Christian Aid and the European Union, finds that violence and atrocities against Dalits are rising in India and there is an urgent need to step up efforts to ensure justice for victims

According to National Crimes Statistics presented in the report there has been a 19,4% increase in crimes against Dalits from the previous year. The number of cases registered under the Scheduled Caste (Dalits) and Scheduled Tribes (Adivasis) Prevention of Atrocities act has also risen every year since 2011, taking a leap in 2014 to 47,064 cases against 13,975 cases in 2013.

The report concludes that dominant castes in India are using violence against Dalits to reinforce the hierarchical caste related power structures and suppress Dalit rights assertions and claims.

Two other key reports "[Justice under Trial](#)" and "[Claiming Justice](#)", from 2014, also find serious obstacles to Dalits obtaining justice in crimes against them. One example is the dismal conviction rate found in a sub-study cited in the reports of 2% in cases where rape victims are Dalits – in comparison to a national conviction rate for rape of 25%.

In terms of legislation, following years of advocacy by Dalit groups, a [landmark amendment to India's key caste legislation](#) – the Scheduled Castes and Scheduled Tribes Prevention of Atrocities

Act – was passed by the Indian Parliament in January 2016. It is hoped that the amendment will increase the scope for justice for India's Dalits.

This is most needed as not only are atrocities and violence against Dalit rising but the brutality of the crimes is also getting worse. For example, in October 2015, the [burning to death of two small Dalit children](#), asleep in their house in Faridabad, grabbed international headlines. The children were reportedly victims of a dispute between Dalits and members of the dominant caste. This horrific incident is unfortunately by no means unique.

The violence and atrocities are often directly related to Dalit assertion of basic rights including land rights, freedom of expression, access to justice, access to education, water, food, decent work and other services and equal participation in cultural and religious activities, to name a few.

Even seemingly minor signs of Dalit resistance have resulted in brutal retaliation by the dominant castes such as a Dalit boy's wrist being chopped off because he was wearing a watch; another was killed as he had a song on (social reformer) B.R. Ambedkar as his ringtone. Human rights defenders working on these types of cases report that it is very difficult to get the police to cooperate with them and that they often have to resort to protests to even get a chargesheet filed.

Also in October 2015, a [young Dalit boy died while in police custody](#), police torture is blamed. His crime, allegedly stealing two pigeons from dominant castes. A Dalit family including three small children were also [stripped and put in jail for](#) allegedly encroaching on the land of dominant castes. These are again not lone incidents of police negligence in India but everyday tales of the utter disregard for justice when it comes to Dalits in India. Very often Dalit women are seen to bear the brunt of violence as they are used as a way to punish Dalit communities. At the same time they are very vulnerable due to multiple discrimination on the basis of caste & gender.

Dalit women & multiple discrimination

[Dalit women in India](#) live in both a highly patriarchal society and a society divided along caste lines. The severe discrimination they face from being both a Dalit and a woman, makes them a key target of violence and systematically denies them choices and freedoms in all spheres of life. This endemic intersection of gender and caste discrimination is the outcome of severely imbalanced social, economic and political power equations.

Due to the severe limitations in access to justice for Dalits and also women, and the widespread impunity in cases where the perpetrator is a member of a dominant caste, Dalit women are considered easy targets for sexual violence and other crimes, because the perpetrators are likely to get away with it.

Statistics cited in the [2015 Equity Watch report](#) also show that according to official national crime statistics, rape cases registered against Dalit women have increased with over 47% since the previous decade.

Dalit women are also very vulnerable to caste-based slavery and forced prostitution, discriminated against on multiple grounds in education and face serious obstacles in access to basic services.

Forced and bonded labour & child labour

Multiple studies have found that Dalits in India have a significantly increased risk of ending in modern slavery including in forced and bonded labour and child labour. In India there are specific forms of forced labour that certain castes (Dalits) are expected to perform including for example the practice of manual scavenging and the Devadasi practice of forced prostitution. Beyond this the exploitation of Dalits in bonded labour in agriculture, mining, textile and other industries, as well as in the informal sector, is widespread. For more information on the types of forced and bonded labour see the IDSN key issue page on [forced and bonded labour](#).

Latest documentation includes the [report from the IDSN UN side-event on caste and gender based forced and bonded labour](#), the [IDSN overview of recommendations from UN institutions on caste and forced & bonded labour](#), [ILO Resource Handbook for ending manual scavenging \(2014\)](#), the 2014 Human Rights Watch report [Cleaning Human Waste: Manual Scavenging, Caste, and Discrimination in India](#) and the ICN 2014 report [Flawed Fabrics: The abuse of girls and women workers in the South Indian textile industry](#).

Dalit children are also particularly at risk for child labour and child slavery as they are born into marginalisation and often discriminated against at school. Key reports from Harvard and many others, and statements by Nobel prize winner and child rights activists Kailash Satyarthi, find that most child labourers in India are either lower caste or minorities and that discrimination play a key part in sustaining slavery and child labour in the country. For more documentation links specific to caste and child labour please see links in the [IDSN documentation database](#).

Discrimination in education

[Discrimination](#) against Dalits in the educational system is a widespread problem in caste-affected countries. Alienation, social exclusion, and physical abuse transcend all levels of education, from primary education to university. Illiteracy and drop-out rates among Dalits are very high due to a number of social and physical factors. Legislation and measures that have been taken to combat this are often inadequately implemented.

The forms of structural discrimination and abuse that Dalit children face in schools are often so stigmatising that they are forced to drop out of school. One of the main issues is the

discriminatory practices conducted by teachers, which may include corporal punishment, denial of access to school water supplies, segregation in class rooms and Dalits being made to eat separately, and forcing Dalit children to perform [manual scavenging](#) on and around school premises.

In addition, Dalit children face discriminatory attitudes from fellow students and the community as a whole, in particular from dominant caste members who perceive education for Dalits as a threat to village hierarchies and power relations.

Intolerance, prejudice and harassment towards Dalits are equally prevalent in institutions of higher education where discrimination is practiced by dominant caste students, teachers, faculties, and administrations. The caste bias manifests itself in the way teachers ignore Dalit students and unjustly fail them in exams, in social exclusion and physical abuse, and in the unwillingness of the university administration to assist Dalits and support them.

As a grave consequence of this harassment, a disproportionate number of Dalit and Adivasi students have committed suicide in India. A tragic recent example of this was the [suicide of Dalit student Rohith Vemula](#), following his exclusion from the hostel and dining hall as well as cut off of finances, by Hyderabad University.

Key recent reports on caste discrimination in education in India include the Human Rights Watch Report "[They say we're dirty](#)" – Denying an Education to India's Marginalised" and documentation in the [Global Initiative on Out-of-School Children – South Asia Regional Study](#), published by UNICEF and UNESCO in 2014 finding Dalit girls most excluded from primary education in India.

Untouchability and access to basic services

The basis of discrimination in education and in most other spheres of life is often the notion of untouchability and stigmatization, where Dalits are perceived as being 'polluting' to castes above them in the caste system, which continue to be practiced.

Widespread discrimination and untouchability in India is also as severe obstacle for Dalits in access to basic services including [water & sanitation](#), housing, health care and food. For more information on caste discrimination and access to services please see IDSN's documentation links on [caste discrimination in access to services](#).

Report [findings released in 2014](#) in the India Human Development Survey and the India Exclusion Report document that caste discrimination is very far from being history. In almost all aspects of every-day life statistics indicate that caste discrimination is deep-rooted and widespread and caste discrimination across sectors in health, housing and equal access to goods is addressed.

According to the Human Development survey merely five percent of Indians said they had married a person from a different caste, and 27 percent of households self-reported engaging in untouchability practices. When Brahmins (dominant caste) were asked, 52% self-reported to not allow a Dalit to use their kitchen utensils, a common practice of untouchability. The survey findings on untouchability were particularly stark in some states where untouchability across castes was found to be almost 50%.

Caste discrimination in the delivery of humanitarian aid

Even in the face of disasters such as floodings, droughts or earthquakes Dalits continue to face exclusion and discrimination in access to services. This includes relief materials, shelter and rehabilitation following disasters. This has been documented in numerous reports including in the IDSN EU funded “[Equality in Aid](#)” report and most recently the [discrimination has been documented following serious flooding in the state of Tamil Nadu in December 2015](#).

Social and economic rights including land rights

Access to social and economic rights, including land rights, continues to be restricted by deeply ingrained discrimination. Generally land rights are an area of conflict and dispute between Dalits and dominant castes as dominant castes may try to seize Dalit land using force, threats and violence. The fact that Dalits often do not own land also makes them vulnerable to exploitation by those who do.

In India there are special budgets in place (Scheduled Castes and Scheduled Tribes sub-plans SCSP & TSP) meant to support the welfare of these marginalised groups. However it is repeatedly documented that the money budgeted for Dalits and Adivasi is diverted to other unrelated posts with as much as [60% being diverted](#) in 2014. In addition to this [the Indian Government in 2015, cut the Dalit and Adivasi budgets by 60%](#).

Dalit rights groups in India have been campaigning for giving the Dalits and Adivasi's their [fair share of the budget](#) and are trying to put pressure on the Government to stop cutting these already misappropriated allocations.

Shrinking space for civil society

IDSN members and associates report that space for civil society in India is shrinking with tight regulations of foreign contributions for organisations working on Dalit rights and the harassment of Dalit human rights activists and leaders, including them facing false charges from police and facing torture and custodial murder. Some Dalit organisations have faced having their funding frozen, without just cause, severely hampering their work. Censorship of films dealing with the issue of caste discrimination and blocking of Dalit events have also been witnessed.

While the Indian Prime Minister, Narendra Modi, has made several national level statements against caste discrimination, these statements appear to be contradictory to the stance taken by India at the International level. This became ever more evident when the UN Special Rapporteur on Freedom of Assembly and Association called out India at the UN General Assembly in 2014, for [unjustly blocking the UN ECOSOC accreditation of IDSN](#). A block which unfortunately continues into 2015.