

INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)
INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN INDIA
REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF THE TRADE POLICIES OF INDIA
(Geneva, 14 and 16 September, 2011)

Caste relevant excerpts:

“Indian society is structured across caste lines, even if the Constitution has abolished the caste system. The Dalits, a self-designation for a group of people who are considered to belong to the “lowest” caste face extreme discrimination in several aspects of life, including employment and access to public services. Dalits are also the most usual victims of bonded and forced labour. Many crimes against Dalits, including crimes related to employment, remain unpunished because the authorities are indifferent to Dalits or because Dalits do not report them due to fear of retaliation. Many Dalits are engaged in scavenging manually, a practice which is prohibited under the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act of 1993. According to the CEACR, a “found the continuing existence of manual scavenging, and that it was practiced by municipal employees belonging to particular castes.” The CEACR is concerned at the “apparent weak enforcement” of the Act and that “the practice even continues in employment under the Government’s authority”. In the Examination of India’s 15th – 19th Periodic Reports at the United Nations Committee on the Elimination of Racial Discrimination (CERD) the Indian delegation declined to answer certain questions on the status of Dalits and commented that the Indian government considers this a problem of social rather than racial discrimination.” (pg. 6)

“Although the law prohibits discrimination on several grounds, certain groups face discrimination in employment. There is a considerable gender pay gap and Dalits are discriminated against in various ways.” (pg. 7)

“Many children work in agriculture. A 2009 joint UNICEF-IKEA initiative identified 200,000 children below the age of 14 working in the cotton plantation industry in Andhra Pradesh producing hybrid cottonseeds. The vast majority of the children are girls and about 95 per cent of them were employed due to their families’ indebtedness. The children did not receive any payment because their entire wage was paying back family debt. The children were predominantly Dalits and members of Scheduled Castes and Tribes.” (pg. 9)

“In practice, forced and bonded labour is prevalent and millions of workers are reported to be victims. Most are engaged in agriculture, mining, commercial sexual exploitation, brick making, cigarettes rolling and construction. Usually, victims belong to Scheduled Castes and Tribes and forced labour has traditional elements ... State statistics show a considerable decrease of forced labour cases brought before the courts but this may result from deteriorating law enforcement. As the volume of the problem is not known, the CEACR has asked the Indian government to undertake a comprehensive national survey with the involvement of the social partners and other organisations concerned by bonded labour.” (pg. 10)

Recommendations:

12. Special measures and strict law enforcement should be employed in order to eliminate racial discrimination against Dalits and other members of Scheduled Castes and Tribes. (pg. 12)