

## India

In 2012, Dalit human rights campaigners were on the march all over India. They marched to claim their community's rightful share of the government budget. They marched to make politicians amend legislation that is supposed to protect Dalits from atrocities, but fails to do so. They marched to protest against a series of horrifying rapes against Dalit women and girls in Haryana. And they marched to eradicate the illegal and inhuman practice of manual scavenging that particularly affects Dalits.

An increasingly assertive Dalit movement combined such mass manifestations with high level political lobbying to achieve some impressive results. And yet, while the struggle against caste discrimination and caste-related atrocities progressed, events on the ground also served as a sad reminder, not only of the immense significance of this struggle, but of how far India has to go before human rights in general, and Dalit rights in particular, are respected.

The Asian Human Rights Commission phrased its concerns as follows in a report, 'The State of Human Rights in India 2012': "India is still ruled by the caste system; we all know this truth. It is plagued with discrimination, gender inequality, untouchability and feudalism, which is the reason why there is little hope for the society or for its social institutions to make any real effort in creating a system that is based on equality and social justice."<sup>39</sup>

Two caste-related atrocity cases – the rapes in Haryana and the attacks on Dalit villages in Dharmapuri<sup>40</sup> – attracted particular attention, but there were countless more. However, it took a horrifying incident without any direct connection to the caste issue to truly focus the world's attention on the dark side of 'shining India'. On 16 December, a young woman was savagely gang-raped in New Delhi, and later succumbed to her injuries. The incident triggered mass protests, and the ensuing intense media coverage spread far beyond India's borders.

Violence against women permeates all layers of Indian society, but Dalit women are particularly vulnerable due to the combination of caste and gender discrimination. In the wake of the Delhi gang-rape, some observers began to ask questions about the lack of mass protests following similarly brutal attacks involving Dalit women or girls. Nevertheless, hopes were also expressed that the outrage surrounding this particular incident might lead to positive change for India's women – including those from the Dalit community.

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**Every time we go into the field, we have to deal with a case of a young 12-15 year-old girl who was raped by seven-eight men, and then you just start wondering: are they human beings or are they animals? How could they do this to a girl - and a girl who is completely powerless because of her age, her size, her mind and her caste and everything?** Asha Kowtal, General Secretary, AIDMAM

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The vulnerability of Dalit women to sexual violence was highlighted a number of times in the course of 2012, particularly in the wake of a series of brutal gang-rapes in the state of Haryana. The National Campaign on Dalit Human Rights (NCDHR), particularly its platform for Dalit women's rights, AIDMAM, played a very active role in exposing and protesting against these rape cases.

Overall, it was a busy year for NCDHR campaigners who were the driving force behind important initiatives to strengthen legislation on Dalit rights as well as its implementation. The focus was also very much on budgetary rights as government funds that could lift millions of Dalits out of poverty are continuously diverted or misallocated to other sections of society.

This latter issue was the subject of huge demonstrations on 24 April and again on 9 May, when thousands of Dalits and Adivasis (also known as Scheduled Tribes) marched on the Indian Parliament in Delhi demanding their rightful

share of the Union budget. Marches also took place in other parts of India – they were organised by the SC/ST Budget Adhikar Andolan, a national coalition of several organisations committed to advancing the budgetary claims of Dalits and Adivasis.

Their demands include legislation to ensure that billions of Euros allocated to their welfare are not diverted to other purposes, but are used on health, education, housing, land rights, employment, income generation, entrepreneurship and access to basic amenities. Since 2009, a national coalition consisting of 150 NGOs, including NCDHR, has campaigned for amendments to the so-called SC/ST PoA Act. This piece of legislation was introduced in 1989 to protect Dalits against atrocities and caste discrimination, but implementation of the Act has been completely inadequate. The campaign intensified in 2012 and produced specific results as the Government of India promised to bring in amendments to existing legislation.

The intention to do so was reaffirmed by the Minister for Social Justice and Empowerment, Kumari Selja, at a mass rally of Dalit and Adivasi rights campaigners in Delhi on 23 November. She called the conviction rate in atrocity cases “shameful” and said that the PoA Act needed urgent amendments to plug loopholes in its implementation. These amendments may be introduced in 2013.

The rally, the National Dalit-Adivasi Sammelan – described as one of the most powerful expressions of Dalit assertion in recent years – marked the culmination of the coalition’s activities in 2012. It issued the ‘Dalit-Adivasi Delhi Declaration’ as a wake-up call to the people of India and their elected representatives. The declaration called on the “entire nation” to free India from “the oppressive forces of caste and patriarchy”. Other activities of the National Coalition for Strengthening the PoA Act in 2012 included nationwide discussions on the issue, including a national strategy consultation in Delhi on 17-18 May with the participation of NGOs, scholars, officials and political figures.

All in all, the coalition enjoyed a successful year. However, at a press briefing prior to the mass rally in Delhi, one of its members, Henri Tiphagne of the human rights NGO People’s Watch, also sounded a cautionary note regarding the possible impact of amendments to the existing law.

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**When people say it has been 60 years of India’s liberation, I find it difficult to believe, for we are still slaves, working for others, picking up human excreta with our bare hands.** Kala bai Lavre, manual scavenger, in The Hindu newspaper

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“Unless legal changes are accompanied by a change in attitudes of all those who enforce the law – the judiciary, the bureaucracy and the police – who investigate the cases, nothing is going to change for a large section of the socially excluded communities of Dalits and Adivasis,” he said.

Legislative changes were also on the agenda in another area of particular relevance to Dalits. In August, the government proposed a new law to eradicate manual scavenging. This inhuman practice virtually forces a million or more Indians, mostly Dalit women, to remove human excreta from dry latrines with their bare hands.

A previous law from 1993 had in fact banned manual scavenging, but had generally been a failure. The new law would include a much more comprehensive definition of the practice than previously seen. This would mean that sewage workers, often Dalits, who face very dangerous conditions, would also be covered by the new legislation. The bill would also entail tough penalties for those who continue to employ people as manual scavengers.

The proposed bill was cautiously welcomed by campaigners who, however, noted that it needs to be improved. As always, given India's dismal record on implementation, there are also serious concerns as to whether the new legislation will make any difference 'on the ground'.

Much attention was paid from various quarters to manual scavenging during 2012. The International Labour Organisation (ILO) highlighted the issue by organising a national conference in Ahmedabad, Gujarat, on 24-25 February. The aim was to develop a roadmap for the total elimination of manual scavenging and the rehabilitation of manual scavengers.

The following month, the National Campaign for Dignity and Eradication of Manual Scavenging (Rashtriya Garima Abhiyan) hosted a national public hearing in Delhi on the rehabilitation of manual scavengers and their children. The same organisation successfully lobbied Indian parliamentarians to ask questions on the issue, and on 30 November, it launched a nationwide *Maila Mukti Yatra* - a march for the "total eradication of manual scavenging."

The issue also generated considerable media coverage, not least when the famous Bollywood star, Aamir Khan, spoke

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**If I think that I am higher than you because of birth, then I am mentally ill.** Aamir Khan, Bollywood star and talk show host

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out against the practice. A July episode of his popular talk show, *Satyamev Jayate* ('Truth alone prevails') focused on caste discrimination, and later the same month, Mr Khan discussed manual scavenging with the Prime Minister of India, Manmohan Singh.

A march that was not initiated by the Dalit movement itself, but may nevertheless have a considerable impact on the lives of many Dalits, focused on the rights of the country's landless poor. The march involving tens of thousands of landless people started on 2 October and was to have culminated in Delhi a month later. However, as the Government of India made a promise to advance land reforms, the activists, led by NGO Ekta Parishad, decided to call off the march on 11 October and await legislative developments.

"The development is a positive one, but much needs to be done to make the agenda a reality and for the benefits of land reform and redistribution to reach the millions of landless poor across India," the Working Group on Human Rights in India and the UN said in a comment which yet again questioned the government's commitment to follow up on its promises.

The issue of forced and bonded labour – in particular involving Dalit women - was described in a number of reports by IDSN partners, including 'Maid in India' on the so-called Sumangali scheme and 'Modern Slavery in India' by Fransiscans International. The latter report noted that Dalit and Adivasi women "are exploited in situations like brick kilns, embroidery factories, and the agricultural sector. Others are sexually exploited, forced into marriage, or fall prey to the organ transplanting racket.

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**At first, the media described us as animals, but then they realised that we made a difference, and they started to report positively about us. but there are still many politicians who try to prevent the media from writing about Dalits, because they prefer to hide the problems and make India appear modern and democratic. So there is a long way to go.** Manjula Pradeep, Director, Navsarjan Trust, in the Danish daily, *Kristeligt Dagblad*

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In general, the issue of caste discrimination in the labour market figured quite prominently in 2012. A new bill on quotas that would ensure promotions for Dalits and Adivasis in government jobs was discussed in Parliament. But as the private sector in India grows and becomes ever more important, attention was also being paid to caste discrimination in this sector where, contrary to the public sector, there is no quota/reservation system. NCDHR has embarked on a project – in cooperation with IDSN international associate IMADR – to look at inclusion in the private sector and advocate an affirmative action policy.

The Indian media reported extensively on caste discrimination and atrocities throughout 2012, although there continues to be a lack of Dalit representation in mainstream media. Stalin K, a human rights campaigner and media activist, noted in 2012 that “in the entire national news media in India, including TV and newspapers, there is not a single Dalit correspondent.” Stalin K’s grassroots media organisation, Video Volunteers, aims to give a voice to marginalised people, including Dalits.

NCDHR and other Dalit organisations continued to work on the international stage to advance the struggle against caste discrimination. Human rights defenders from NCDHR, Navsarjan, Jan Sahas and others took part in a number of IDSN interventions at the UN, in the EU and in various European countries.

In 2012, an area of particular focus was the UN Universal Periodic Review (UPR) of India, which took place in May. A coalition consisting of more than 100 Dalit movements, organisations and platforms, and led by NCDHR, cooperated on a joint stakeholders report on caste-based discrimination in India which was submitted to OHCHR. Ultimately, the report was endorsed by 563 organisations.

The Working Group on Human Rights in India and the UN (WGHR), which includes two IDSN partners, NCDHR and People’s Watch, released a general report on human rights in India as preparatory material for the UPR. It included many references to caste discrimination. In December, WGHR released an updated and revised version of the report which included the recommendations – including those on the caste issue – made by states to the Government of India during the UPR.

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**If you have come across an Indian, not just in India but anywhere in the world, who have told you that the caste system and caste discrimination is a thing of the past, then that person was either fooling you or was downright ignorant. That person, I can guarantee you, must also belong to the privileged caste.** Stalin K, filmmaker and human rights campaigner

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“Given the growing nature and extent of discrimination and violence, we urge the Government of India to address the Dalit, Adivasi and other marginalised communities’ issues more strongly and take appropriate policy and legislative changes,” Prasad Srivella of NCDHR said during a WGHR press conference.

NCDHR also prepared a submission to the UN Special Rapporteur on water and sanitation, outlining the obstacles to access to water and sanitation encountered by Dalits in India, and to the Special Rapporteur on violence against women. The latter issue attracted much attention towards the end of the year due to the numerous rape cases in Haryana and the gang-rape in New Delhi.

An example of Dalit involvement in cross-cutting advocacy work was NCDHR general secretary Paul Divakar’s convenorship of Wada Na Todo Abhiyan, a campaign comprising a wide range of organisations that holds the Government of India accountable to its promise to work towards achieving the UN Millennium Development Goals,

and also contributes to the global development agenda. Issues such as poverty and social exclusion are, as ever, relevant to the struggle for Dalit human rights.