



Policy Brief

Ground Down by Growth:

Oppression, Discrimination and Exploitation of Adivasis and Dalits in 21st century India

This Policy Brief reports on oppression and discrimination against Dalits (the ex-untouchable castes) and Adivasis (tribal groups) perpetuating labour exploitation and land alienation, entrenching poverty and inequality in India. Dalits (officially called Scheduled Castes by the Indian Government) and Adivasis (Scheduled Tribes), account for 200 million and 100 million people respectively, together making up one-quarter of the Indian population, and one in twenty-five of the global population. This brief is based on research carried out across India by the Programme of Research on Inequality and Poverty, Department of Anthropology, London School of Economics.

Five one year comparative ethnographic studies were carried out:

- *Kerala tea plantations*. Tamil Dalits were brought as indentured labourers to pluck tea in the 1860s. They won some basic protection and benefits from the 1950s but these were rolled back from the 1990s with the crisis in the tea economy. A cheaper Adivasi migrant workforce from Jharkhand, Eastern India is being brought in to undercut the Dalits who are now seeking work elsewhere, including in the Tamil Nadu textile mills.
- *Cuddalore district, Tamil Nadu*. In the coastal chemical industrial belt developed from the 1980s, Dalit agricultural labour has become informal, precarious contract labour – cleaning and processing bones in a gelatine factory – while the dominant castes monopolise the better jobs. Dalit workers' protests against their terms and conditions of work are being undercut by factory owners sourcing cheaper Adivasi and Dalit migrants from Eastern India.
- *Bhadrachalam Scheduled Area, Telangana*. Land for Adivasis has constitutionally been protected in these tribal dominated areas but high caste Kamma and Reddy from Coastal Andhra took over most of the land from the 19th century onwards. With industrialisation - here a paper factory - it was these upper castes who controlled all the good jobs and Adivasis and Dalits got only informal wage work.
- *Nandurbar district, Maharashtra*. Thousands of Bhil Adivasis shifting cultivators were displaced by the Sardar Sarovar dam, built to benefit the middle caste farmers of Gujarat. Some of the Bhils were resettled and are now indebted cotton farmers. Other Bhils have no option but to migrate seasonally and work as manual labour in brick kilns and sugar cane fields.
- *Chamba district, Himachal Pradesh*. The Adivasi Gaddi and Adivasi Gujjar shepherds, who are not able to maintain their nomadic pastoralism because of the limits on permits, now do precarious low paid wage labour. They remain worse off than all other castes.

The Changing Oppression and Exploitation of Adivasis and Dalit

Historically, caste as a system of ritual purity and impurity kept the Dalits firmly at the bottom of society as 'untouchables', an 'impure' and 'filthy' class of agrestic slaves, i.e., hereditary unfree agricultural labourers. The Adivasis, in comparison, lived in relatively independent communities, with much more direct access to land and forest resources, without the same domination from higher caste groups faced by Dalits; but were stereotyped as 'wild' and 'savage'.

The social relations of oppression (systemic harm arising from social practices) of Dalits and Adivasis have changed over time but they continue to be pervasive in the way capitalism has expanded across the country; most notably Adivasis and Dalits have been kept at the bottom of the social and economic hierarchies in the new economies. Today, Adivasis and Dalits continue to be economically worse off than all other groups across India, with significantly higher levels of poverty. The overwhelming majority of the Indian working population – 92 per cent – are treated as second-class labourers as they work in the small-scale informal sector or on short-term contracts for Indian and foreign owned formal

sector enterprises; and Adivasi and Dalits are disproportionately found in the lowest-end of this poorly paid informal and precarious work. Formal sector regular employment, in contrast, is dominated by the higher castes. Adivasis exploitation is exacerbated by land grabs by government and private sector interests, often at odds with the constitutional protection of their lands.

The research concluded that Dalits' and Adivasis' exploitation, oppression and discrimination, in society at large and directly in the labour market, takes place through three interrelated processes.

1) ***Inherited inequalities of power*** which enables dominant groups to control the adverse incorporation of Adivasis and Dalits in the modern economy, keeping them at the bottom of social and economic hierarchies.

- In all study areas, access to land and assets; education; and to networks of power differ, with the Dalits and Adivasis significantly worse off than all other social groups.
- Even where Dalits and Adivasis have the same levels of education as castes above them in the traditional hierarchy, it is the latter who get the better jobs.
- The top managerial jobs in the modern non-agricultural economy are the preserve of higher castes, who are close to – or come from – the groups that dominated village life. In both Indian and international companies, semi-skilled and skilled jobs mainly go to non-Dalit/Adivasi castes. Dalit and Adivasis overwhelmingly work in the most low skilled segments, with lowest social status and poorest remuneration.
- All India government survey data supports these findings.

2) The exploitation of Dalits and Adivasis as ***circular seasonal migrant casual labour*** within the Indian economy.

- Across India, there has been a sharp rise in circular seasonal labour migration, with labourers travelling to far-away states for a part of the year, often moving to different destinations each year. Adivasis and Dalits are overwhelmingly represented among the circular migrant labour force, in sectors such as brick kilns, construction, agricultural labour and low-end informalised factory work.
- Most rural households now undertake such migration, without giving up their rural homes. Government data suggests that each year up to 140 million people work as circular migrant labour.
- Our research shows that seasonal migrant labour has no access to Fair Price Shops which provide cheap food to local people, to schools, no local voting right, and they often do not speak the local language which makes it even more difficult for them to be heard.
- Everywhere their living conditions are appalling, they are worked harder than the local workers, and often paid less.
- Workers are normally hired through labour contractors who routinely turn workers into bonded labour – i.e., modern-day slaves – through advance loans and delayed payments.
- International companies use the same labour recruitment practices as Indian companies and are equally culpable in creating modern-day slaves.
- Adivasi seasonal migrant labour from central and eastern India, is employed on worse terms and conditions than local Dalit labour across our sites. Land alienation by government and corporate development and mining projects is undermining Adivasi local forest based and agricultural livelihoods back in their home areas.

3) Social oppression on lines of caste, tribe, gender and region is firmly intertwined with exploitative class relations, to produce an overall experience of ***conjugated oppression***.

- Our research documents that while direct untouchability has declined, stereotyping and stigmatising of Adivasis and Dalits still provides the backdrop for labour discrimination. This includes everyday use of abusive language and taunts and the stigma that Adivasi and Dalits are ignorant, lazy, dishonest, dirty, and ill-educated.
- The consequence can be extreme – in Tamil Nadu textiles and garment factories Dalits hide their surnames and caste background for years, including from their non-Dalit co-workers, to get work and accommodation.
- Vigilante beatings, rape and even killings of Adivasis and Dalits, reinforcing conjugated oppression, often go unpunished. This has created an environment where ordinary Adivasis and Dalits are rightly fearful of the consequences of protesting and organising. Moreover, intellectuals and human rights activists protesting this oppression have been taken to court for being 'antinational' and silenced.

Constitutional, Legal and Policy Framework in India

Principles of equality and non-discrimination are enshrined in the Indian Constitution and in government provisions:

- Labour laws against wage discrimination between men and women and laws that cover sections of the labour force where Dalits and Adivasis are overrepresented.
- Specific Acts and Statutes to prevent the exploitation of Scheduled Castes and Tribes and eradicate forms of work that violate human dignity in particular areas.
- Statutes and policies of affirmative action for discriminated groups, including Statutes reserving a percentage of government and public sector jobs for Scheduled Castes and Tribes.
- The Fifth (and Sixth) Schedule of the Constitution guarantees Scheduled Tribes' land rights and protects against land alienation by private non-ST interests.
- Laws that target discriminatory behaviour, violence, and indignity of SC/ST by non-SC/STs; for instance, Prevention of Atrocities Against Scheduled Castes and Scheduled Tribes Act 1989, amended in 2015.
- Institutions such as the Commissioner of Scheduled Castes and Commissioner of Scheduled Tribes.
- As a signatory to the ILO Convention C111 on Discrimination (Employment and Occupation), 1958, and to Convention C107 on Indigenous and Tribal Populations Convention, 1957, India is bound by international law to implement these Conventions.
- International companies are also bound by specific legislations in their country of origin, such as the Modern Slavery Act in the UK which makes it the responsibility of UK companies to keep their supply chains free from modern slavery.

Existing government action is insufficient

- Affirmative action policies provide a small number of decent jobs for Dalits and Adivasis. However, our research finds that they are usually only in low level public sector jobs. Moreover, since the early 1990s the impact of reservations has been reduced significantly by the shrinking of the public sector and related outsourcing of work.
- Protection of Adivasi land rights is enshrined in the Indian constitution, but our research documents significant land alienation in contravention of the legislation.
- Affirmative action, as well as other specific laws for Scheduled Tribes and Castes fail to cover all those who face discrimination as Dalit or Adivasis, including large numbers of 'SC' 'ST' inter-state migrants.
- Our research does not show any evidence that the labour laws and social security laws that could provide workers with protection against extreme informalised employment, precarity and oppression, are properly implemented.

Gaps and Lacunae in India's Anti-Discrimination Framework

More broadly India's anti-discrimination framework and the international monitoring of this framework is deficient in some major respects:

- There are no general laws which specifically deal with social discrimination or employment related discrimination. Indian laws and statutes only provide a patchwork of legislation to deal with discrimination.
- While the 5th Schedule clearly protects Adivasi lands, it is being undermined and circumvented by international and Indian private mining corporations and Indian state governments, and by legislative reforms.
- The responsibility for non-discrimination, provision of equality of opportunity and affirmative action rests on the Indian state. Only in a few areas does the legal framework extend the responsibility to the private sector and corporations.
- The Law on Atrocities against Scheduled Castes and Scheduled Tribes does not specifically extend to labour market discrimination. The mandate of the SC Commission and ST Commission is broad, but labour and employment issues (except affirmative action), are rarely addressed by these Commissions.
- The coverage of Convention C111 of the ILO is very comprehensive. But the ILO Committee of Experts (CEACR) or the UN Committee on Economic, Social, and Cultural Rights narrowly focuses on social discrimination of Dalits and Adivasis facing special disadvantages, such as scavengers removing human excrement, prostitution through the Devadasi system, and forced labour.
- The ILO does little to monitor the implementation of C107, regarding land and labour rights of Adivasi.
- Our global review of laws against discrimination shows that the Indian anti-discrimination framework could learn from best practices of countries with more comprehensive frameworks. For example, South Africa prohibits 'unfair discrimination' by the state and private persons, directly or indirectly. It provides legal protection against labour market discrimination and private employers must have in place an affirmative action plan and an employment equity

plan. EU policy also addresses discrimination in the context of changes in the workforce towards non-standard forms of employment.

Policy Recommendations

For Government of India:

- 1) Existing labour laws designed to protect labour must be implemented. In particular, laws protecting seasonal migrant labour in informal, non-standard forms (casual, contract, fixed-term etc.) of employment must be implemented. This includes legislation against bonded labour, i.e. modern-day slavery and regulations of labour contractors, but also all other labour laws.
- 2) The on-going labour law reforms must ensure labour standards and address discrimination against Adivasis and Dalits in informal and in seasonal migrant employment.
- 3) Indian Central and State Governments must withdraw legislation undermining the Fifth Schedule of the Constitution protecting the land rights of Adivasis and bring private sector and corporate offenders – Indian as well as international companies - to task.
- 4) India must enact comprehensive legislations regarding discrimination, including discrimination based on caste and tribe, inside and outside the domain of employment relations.
- 5) Affirmative action by the organised private sector should be mandated and it should be monitored by an Equality Commission as in the South African case, as partially echoed by India's Sachar Commission, as an interim measure.
- 6) Adivasi and Dalit groups who have moved as seasonal migrant labour outside of state boundaries - and who often face worse stigma and the worst labour relations, including modern-day slavery – must be included in existing affirmative action.
- 7) The rights of Adivasis and Dalits to engage in lawful protests and to organise as labourers, as Dalits and as indigenous people must be protected, as must the freedom of those who are advocating on their behalf as activists, reporters or scholars.

For the ILO:

- 8) ILO's work under Convention 111, along with its current concerns, should focus on the overarching labour market discrimination against Adivasis and Dalits.
- 9) This must include a focus on Adivasi and Dalit seasonal labour migrants who are currently not within the ambit of India's anti-discrimination framework.
- 10) ILO's work under C107, Indigenous and Tribal Populations Convention, should focus on Adivasi rights against removal from their land, and discrimination against Adivasis in recruitment and employment, as per the convention.
- 11) ILO should concern itself with the curtailment of rights to organize and lawful protests of Adivasi and Dalits and their advocates.

For Indian labour organisations and other concerned activist groups:

- 12) Old and new forms of labour organisations should focus not only on general labour issues but also on the specific discrimination against Adivasis and Dalits.
- 13) Migrant Adivasi and Dalit labour is particularly vulnerable and should be given high organisational and political priority.
- 14) The protection of land rights should be of equal importance to protection of labour rights for both land and labour based activism.

For Indian and international companies:

- 15) Companies must adhere to existing Indian labour rights and land rights legislation, to ILO conventions and, for international companies, to specific labour laws of their country of origin, such as the British Modern Slavery Act.

The Programme of Research on Inequality and Poverty, from which this policy brief emerges, was led by Alpa Shah (LSE) and Jens Lerche (SOAS), based in the Department of Anthropology at the London School of Economics, and was funded by the ESRC and the EU ERC Starting Grant. See <http://blogs.lse.ac.uk/inequalityandpoverty/>

For full details of this research see Alpa Shah, Jens Lerche, Richard Axelby, Dalel Benbabaali, Brendan Donegan, Jayaseelan Raj, Vikramaditya Thakur, 2018. *Ground Down by Growth: Tribe, Caste, Class and Inequality in Twenty-First Century India*. London: Pluto and New Delhi: OUP.

See also Ravi Srivastava, 'Dalits, Social Discrimination, Labour Markets and Regulation in India in an International Perspective' *Draft Working Paper, Research Programme of Inequality and Poverty, Department of Anthropology, LSE*.

This policy brief was prepared by Jens Lerche (SOAS), Ravi Srivastava (IHD) and Alpa Shah (LSE).