

## **Annex 2: Explanatory note on civil, political, economic, social and cultural rights of Dalits in India**

### **Dalit human rights situation on the ground**

The Constitution of India guarantees basic human rights as fundamental rights incorporated in Part III of the Constitution. These rights are inviolable rights of the citizens against the state. Any law or executive action depriving individual citizens of their freedom could be challenged in the Supreme Court or High Courts. The Constitution of India also prohibits any forms of discrimination and there are progressive laws and human rights agencies, but these bodies and laws at times are not effectively implemented. The mindset of the supporters of “untouchability” has yet to be changed. Laws are blatantly violated; perpetrators of crimes against Dalits are often hand in glove with duty-bearers resulting in great impunity.

### **Who are the “Dalits”?**

As per 1 March 2001 India's population was 1,028 million people (532.1 million males and 496.4 million females) according to the 2001 census. Out of them, India has a population of 167.2 million people who are termed as Scheduled Castes (SCs). They are the so-called “untouchable” communities, who are presently called Dalits by most movements and political bodies in the country. In addition to Dalits in the Hindu population, there is a sizeable population of Dalits among the Muslim and Christian populations (there are an estimated 42 million Muslim Dalits and Christian Dalits who count about 16 million). Until a few years ago known they were publicly identified as "untouchables" and are not treated as Scheduled Castes officially, which means they are denied constitutional safeguards which are available to others who are considered to be Scheduled Castes. This is a classic case of ways to exclude Dalits from the constitutional safeguards that are guaranteed to other Dalits.

### **Civil disabilities and discrimination against Dalits: The present situation**

Dalits have been worst sufferers in the exploitative social order. Segregation and exploitation have been their fate. They are born in servitude and die in penury. They continue to be peripheral and marginal incapable to claim equality with the privileged. Society at large remains exploitative, unfair and unjust to them.

The National Human Rights Commission concerned with the growing atrocities on Dalit had this to comment: “...the atrocities against persons belonging to these groups and the frequency with which they occur is a cause for disquiet. The humiliation which persons belonging to the scheduled castes suffer even today, more than half a century after India proclaimed itself to be a republic is a matter of shame”<sup>1</sup>.

### **Forced Occupation and manual scavenging**

Some Dalits are confined to undertaking the inhuman practice of manual removal of human excrements from dry toilets with bare hands, brooms or metal scrappers; carrying excrements in the basket to the dumping site which is a practise that is still prevalent in most part of India even today. There are over 1.2 million engaged in manual scavenging and of these over 95% are Dalits, who are compelled to undertake this inhuman and degrading task under the garb of ‘traditional occupation’. The practice of manual scavenging is illegal and unconstitutional and a blot on the face of humanity. It is a

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<sup>1</sup> Report on Prevention of Atrocities Against Scheduled Castes, *National Human Rights Commission*, , 2004, New Delhi, p.(viii)

practice that violates fundamental rights in the Constitution of India enshrined under Article 14 (right to equality), 17 (right against untouchability), 21 (right to life and personal liberty) and 23 (right against exploitation). In 1993 the Parliament enacted The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act to prohibit manual scavenging. The Act has so far not been properly implemented because of the apathy and sinister design of the governments at central and state level. In a report by the National Commission for Safai Karmachari (NCSK) it was noted that manual scavengers are being employed in the military engineering services and the railway services.<sup>2</sup>

### **Bonded and child labour**

Bonded labour in India, a manifestation of caste and caste-based discrimination is abolished through Article 23 of the Constitution and the Bonded Labour (System) Abolition Act of 1976. The law mandates the release of all labourers from bondage, cancellation of their outstanding debts and their economic rehabilitation by the state. "While this Act does not specifically mention scheduled castes and scheduled tribes, it is of special significance for them because the majority of the bonded labourers belong to Scheduled Castes and Scheduled Tribes"<sup>3</sup>.

### **Dalit women: Inequality, powerlessness and victims of violence of worst kinds**

Dalit women in India numbers 80.517 million or approximately 48% of the total Dalit population, 16% of the total female population and 8% of the total Indian population of the country.<sup>4</sup> Disaggregated data are available on the status of Dalit women's enjoyment of their rights to education, health and work participation, all of which indicate their lower levels of enjoyment of these rights as compared to non-Dalit/Adivasi women and men, and Dalit men. However, currently very little disaggregated data exists from the government with regard to Dalit women experiences of caste-based discrimination and violence. The data available is disaggregated by gender or by caste, but does not include both factors. The question of caste discrimination, untouchability and violence has been extensively documented, but mostly with reference to Dalits as a group and not with specific reference to Dalit women's experiences arising from the intersection of their descent and occupation-based identity with their gender identity.

Violence or atrocities against Dalit women is systemic and structural, occurring at different levels. At one level, violence is an inherent part of the caste system whereby it is utilized to reinforce caste norms and Dalit women are specifically *targeted* due to their 'low' caste-class-gender identity and status. Their identity is often known to the perpetrators of the violence, whether it be spontaneous or planned criminal acts. Their identity is likewise factored into the perpetrators' calculations of the possibility of a successful act of violence taking place with impunity. The use of Dalit women's caste names in verbal altercations or threats leading up to or following violence is indicative of how Dalit women's caste-and-gender identity invites violence towards the women. Violence acts as a crucial social mechanism to maintain Dalit women's subordinate position to particularly by dominant caste men.<sup>5</sup> Dominant caste perceptions of Dalit women as 'inferior' and 'untouchable', as

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<sup>2</sup> Report of the NCSK for the year 1997-98 Dated 31-1-2000

<sup>3</sup> Report of Prevention of Atrocities against SCs and STs, *National Human Rights Commission*, New Delhi, 2004, p.10.

<sup>4</sup> Government of India, *National Census of India 2001*, Final Population Totals, 2004.

<sup>5</sup> Though it should be noted that Dalit women also face violence from dominant caste women, who benefit from, and hence are complicit in, maintaining the power of their caste, and hence also participate in perpetuating caste inequalities and violence against Dalit women.

sexually available, as inherently criminal in nature, and as available for all forms of violence, especially sexual violence, contribute to their specific vulnerability to violence.<sup>6</sup> Hence, Dalit women are more likely to face collective and public threats or acts of social violence than dominant caste women, who tend to be subjected to violence more within the family due to strict controls over their sexuality and freedom of movement.

A recent study on violence against Dalit women, based on interviews with 500 Dalit women and girl children survivors of violence during the period 1999 to 2004 across the states of Andhra Pradesh, Bihar, Tamil Nadu and Uttar Pradesh has revealed a range of causal factors for violence in the general community directly attributable to systemic caste-class-gender factors that ascribe Dalit women's low status in society and consequent disempowerment and exploitation<sup>7</sup>. The most common causal factor for violence against Dalit women in the general community is their perceived sexual availability by dominant caste men, who target Dalit women for sexual violence that ranges from sexual harassment, to sexual assault, rape, sexual exploitation and forced prostitution. Moreover, any attempt by Dalit women to assert their fundamental right to equality with dominant castes in any sphere – social, cultural, economic, civil and political – is met with violence, while reinforcement of Dalit women's lack of or denial of access to land and other economic resources through violence points to their effective economic subordination in order to retain them as an exploitable labour force for their dominant caste employers.

### **Status profile of Dalits**

A survey carried out in 565 villages in 11 states: Punjab, Uttar Pradesh, Bihar, Madhya Pradesh (including Chhattisgarh), Rajasthan, Maharashtra, Orissa, Andhra Pradesh, Karnataka, Kerala and Tamil Nadu have come out with some major findings which are quite startling<sup>8</sup>:

- In 73% of villages, Dalits cannot enter non-Dalit homes
- In 70% of villages, Dalits cannot eat with non-Dalits
- In 64% of villages, Dalits cannot enter common temples
- In 53% of villages Dalit women suffer ill-treatment by non-Dalit women
- In 38% of villages Dalit children have to eat separately in schools
- In 33% villages non-Dalit health workers do not visit Dalit homes
- In 32% villages, Dalits cannot enter police stations
- In 36% of villages, Dalits cannot enter village shops
- In around 43% of villages Dalits are not denied access to water facilities
- In nearly 70% of villages, Dalits are not required to stand in the presence of a non-Dalit

### **Denial of access to basic services**

The facts presented here are based on the Report of Sub Group I on an Assessment of the Prevailing Situation in respect of Scheduled Castes and Scheduled Tribes for certain Socio-Economic Indicators, prepared and released by the Office of the Registrar General, Census, Government of India in November 2004.

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<sup>6</sup> See Irudayam et al, *Dalit Women Speak Out: Violence against Dalit Women in India, Volume I: Study Report*, Chennai: NCDHR, NFDW & IDEAS, 2006.

<sup>7</sup> Ibid.

<sup>8</sup> Ghanshyam Shah, et al. (Ed.), *Untouchability in Rural India*, Sage Publication, New Delhi, 2006

### **Health**

- According to National Family Health Survey (NFHS) II data, the neo natal mortality, infant mortality and child mortality and under five mortality is higher for Dalits at all India level as compared with total mortality for others
- Anaemia among Dalit Women is more compared to the women of other communities
- At national level the full vaccination among Dalit infants is less compared to others
- At national level anaemia among Dalit children is more than that prevalent among others

### **Education**

- Literacy Rates among Dalits is 45.20 percentage as compared to 54.51 percentage for the total population in India
- The performance of literacy rates for Dalits in states like Bihar, Jharkhand and Uttar Pradesh is far below satisfactory, which is below 50 percentage
- 32 Districts in Bihar, Jharkhand and Uttar Pradesh have literacy rates below 30 percentage
- The enrolment rate of Dalit students has increased in different levels of education
- The drop out rate is still very high. 41.5 percentage at Primary Level; 59.9 percentage at Upper Primary Level and 71.9 percentage at Secondary Level

### **Electricity**

- 44.3 percentage of Dalit households have access to Electricity where as for others it is 61.4 percentage
- 21.4 percentage of Dalit villages have no access to electricity at all whereas for others it stands at 19.5 percentage

### **Drinking water**

- 27 percent Dalit households have water sources within premises whereas for others it stands at 45.2 percentage
- 19.5 percent Dalit households have access to drinking water sources away from their premises whereas it stands at 14.4 percentage for others
- 32.2 percent of Dalit households have access to drinking water from Tap, whereas for others it stands at 40.1 percentage

### **Sanitation**

- 23.7 percent of Dalit households have access to latrine facility as compared to 42.3 percentage General households

### **Housing**

- 42.8 percent of Dalit households have permanent houses in comparison to 57.7 percent of General households

- The condition of housing for Dalits in Orissa (19.5 percent), Chhattisgarh (22.2 percent), West Bengal (23.9 percent), Bihar (27.9 percent), Jharkhand (29.6 percent), Madhya Pradesh (34.8 percent), Uttar Pradesh (41 percent) and all the North Eastern States except Mizoram are below the national average

### **Poverty**

- Out of 27.11 percent of all population living below poverty line in rural areas, Dalits account for 36.25 percentage
- Out of 23.65 percent of all population living below poverty line in urban areas, Dalits account for 38.47 percentage

### **Criminal justice administration system: Gaps in implementation of legal remedies**

The Seventh NCSC/ST Report (2001-2002) reported that the percentage of acquittals is alarming in the states of Assam, Gujarat, Kerala, Maharashtra, Orissa, Rajasthan, Uttaranchal, Karnataka and Haryana (even to the tune of 97%)<sup>9</sup> The report showed that in theory, from the very moment an atrocity against a Dalit takes place the road to full judicial remedies and even financial redress through the SC/ST (POA) Act lies open for the victim. But this road is long and has many pitfalls. These data actually relate to the cases that have come to the trial level. When compounded with the fact that less than 5% of the crimes reach the court, the conviction rate is less than 1 percent.

The Protection of Civil Rights Act 1955 and the Indian Penal Code, in spite of their deterrent penal provisions, have proved inadequate in curbing the atrocities on the members of the SCs and STs, especially offences committed on caste grounds. On 16<sup>th</sup> August 1989, the Parliament passed another Act - The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, to prevent the commission of offences of atrocities against the members of SCs and STs; to provide for Special Courts for such offences; and for the relief and rehabilitation of the victims of such offences and for matter connected there with or incidental there to. The President gave his assent to the Act on 11<sup>th</sup> September 1989 and the Act came in to force on 30<sup>th</sup> January 1990.<sup>10</sup>

The term atrocity has been defined for the first time in this act. Provisions have been made for more stringent punishments for committing such offences/atrocities. The state and union territories have to take specific preventive and punitive measures to protect the SCs and STs from being victimized and where atrocities are committed and to provide adequate relief and assistance to rehabilitate them. There are in all 23 acts which when committed on the members of the SCs and STs by non-SCs and STs constitute an "atrocity" and are punishable under this act. Although these offences are covered under the Indian Penal Code the offences under the SCs and STs (POA) Act 1989 carry heavier punishments than under the IPC. This Act also provides for forfeiture of property, internment and collection of punitive fines.<sup>11</sup>

A public servant who does not belong to the SC and ST and who willingly neglects the duties under the Act can be imprisoned for six months to a year. This Act, along with the

<sup>9</sup> *The NCSCST – Seventh Report (2001-2002)* p.128

<sup>10</sup> Report, National Commission for Scheduled Castes and Scheduled Tribes, p. 207, Government of India, New Delhi, 1999-2000 & 2000-2001

<sup>11</sup> *Ibid.* pp. 207-209.

rules framed thereunder, has laid down elaborate procedures for ensuring protection to SCs and STs by providing for special courts; special public prosecutors; prescribing investigation procedures by police officers; fixing the time period for investigation, etc. The rules also provide for the establishment of SCs and STs Protection Cells; the appointment of nodal officers in the rank of Secretary to the government at the state level and a special officer at the district level; monitoring committees at state and district level; and payment of relief and travelling allowances to the victims of the atrocities and their families. Persons arrested under the act do not have the rights to seek anticipatory bail. It is responsibility of the Centre to place an annual report before Parliament on the progress of implementation of the act.

Even though the act came into force on 30<sup>th</sup> January 1990, the Ministry of Social Justice and Empowerment have placed only five annual reports on the table of Parliament so far.<sup>12</sup> This act was passed with the great deal of fanfare in order to give special protection to this vulnerable section. But facts on the ground tell a different story altogether. From 1992 to the year 2005, a total of 398,644 cases of various crimes against Dalits have been registered countrywide. The average break up of various crimes is the following: 5895 murders, 3482 hurt cases, 1040 rapes, 265 kidnappings/abduction cases, 53 dacoity, 153 robberies, 352 arson, 1166 PCRA, 8428 POA and 12941 other offences were registered every year.<sup>13</sup>

*As per the 2005 Report (Crime in India) of National Crime Record Bureau, every 20 minutes a crime against Dalits is reported in the Police Station across the country<sup>14</sup>.*

### **Constitutional provisions**

The Constitution emphasizes 'safe-guards' for Scheduled Castes under the 'Special Provisions Relating to Certain Classes' in Part XVI of the Indian Constitution. The Constitution also provides for the protection and promotion of their social, economic, educational, cultural and political interests to bridge the disparities and to bring Dalits at par with other sections of the society. In addition, many articles in Parts III (Fundamental Rights), IV (Directive Principles of State Policy), IX, IX A and in the fifth schedule of the Constitution is a measure of the Constitutional concern and commitment. The constitutional provisions include general measures found in different principles such as equality before law (Article 14); prohibition of discrimination (Art. 15) and protection of life and personal liberty (Art. 21).

1. The social safeguards – Abolition of untouchability (Art.17), Prohibition of trafficking in human beings and forced labour (Art. 23), Prohibition of employment of children in hazardous jobs, etc. (Art.24), Freedom to practice religion (Art.25),
2. The economic safeguards - Articles 23 and 24 stated above as well as under promotion of educational and economic interests of SCs under (Article 46 in Part IV, Directive Principles of State Policy)
3. Educational and cultural safeguards – provision for reservation (Art. 15 (4) and that admission into educational institutions will not be denied (Art.29 (2))

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<sup>12</sup> <http://socialjustice.nic.in/schedule/arpcr05.pdf>

<sup>13</sup> "Crime in India", *National Crime Record Bureau*, Ministry of Home Affairs, 1994-2006.

<sup>14</sup> Crime Watch, *Crime in India*, National Crime Record Bureau, Ministry of Home Affairs, 2005, New Delhi [www.ncrb.nic.in](http://www.ncrb.nic.in)

4. Employment provisions are made under – equality of opportunities under (Art.16), and claim to services and posts (Art.335)
5. Political representation –Reservation of seats in parliament and state legislatures under Art. 330,332.
6. Monitoring of safeguards provided under Constitution and all other provisions and policies is also provided for by - Setting up commission under (Art.338)

#### **Other legislative provisions**

In addition some of the legislations of general nature have greater relevance to Dalit communities.

7. The Untouchability Offences Act, later reformulated as the Protection of Civil Rights Act (1955) and rules 1977
8. The Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act 1989 and rules 1995
9. Bonded Labour (system) Abolition Act, 1976
10. Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993
11. Devadasi system Abolition Act in the states of Andhra Pradesh, Maharashtra and Karnataka.
12. Child Labour (Prohibition and Regulation) Act, 1986
13. Minimum Wages Act, 1948
14. Equal Remuneration Act, 1976
15. Land Reforms Act in different states

#### **Recommendations**

*The Human Rights Council (HRC) must approach the State Party to incorporate the General Recommendation No. XXIX as adopted by CERD in 2002 into their National Policy Framework of Governance with a special focus on the following:*

1. Resolutely implement legislation and other measures already in force;
2. Educate the general public on the importance of affirmative action programmes to address the situation of victims of caste-based discrimination;
3. Conduct periodic surveys on the reality of caste-based discrimination and provide disaggregated information in their reports to the HRC and other Treaty Bodies of UN on the geographical distribution and economic and social conditions of caste-based communities, including a gender perspective;
4. Take into account, in all programmes and projects planned and implemented and in measures adopted, the situation of women members of the communities, as victims of

- multiple discrimination, sexual exploitation and forced prostitution;
5. Take all measures necessary in order to eliminate multiple discrimination including caste-based discrimination against women, particularly in the areas of personal security, employment and education;
  6. Provide disaggregated data for the situation of women affected by caste-based discrimination;
  7. Undertake to prevent, prohibit and eliminate practices of segregation directed against members of caste-based communities including in housing, education and employment;
  8. Secure for everyone the right of access on an equal and non-discriminatory basis to any place or service intended for use by the general public;
  9. Take measures against any dissemination of ideas of caste superiority and inferiority or which attempt to justify violence, hatred or discrimination against caste-based communities;
  10. Take strict measures against any incitement to discrimination or violence against the communities, including through the Internet;
  11. Take measures to raise awareness among media professionals of the nature and incidence of caste-based discrimination;
  12. Organize training programmes for public officials and law enforcement agencies with a view to preventing injustices based on prejudice against caste-based communities;
  13. Take steps to identify areas prone to caste-based violence in order to prevent the recurrence of such violence;
  14. Take substantial and effective measures to eradicate poverty among caste-based communities and combat their social exclusion or marginalization;
  15. Work with intergovernmental organizations, including international financial institutions, to ensure that development or assistance projects which they support take into account the economic and social situation of members of caste-based communities;
  16. Take special measures to promote the employment of members of affected communities in the public and private sectors;
  17. Develop or refine legislation and practice specifically prohibiting all discriminatory practices based on descent in employment and the labour market;
  18. Take measures against public bodies, private companies and other associations that investigate the descent background of applicants for employment;
  19. Take measures against discriminatory practices of local authorities or private owners with regard to residence and access to adequate housing for members of affected communities;
  20. Ensure equal access to health care and social security services for members of caste-based communities;
  21. Take measures to address the special vulnerability of children of caste-based communities to exploitative child labour;
  22. Take resolute measures to eliminate debt bondage and degrading conditions of labour associated with caste-based discrimination;
  23. Reduce school drop-out rates for children of all communities, in particular for children of affected communities, with special attention to the situation of girls;
  24. Combat discrimination by public or private bodies and any harassment of students who are members of caste-based communities;
  25. Take immediate measures to abolish the practice of manual scavenging and to introduce rehabilitation measures for their livelihood;
  26. Promote a monitoring mechanism with the representatives from Dalit community to ensure promotional measures and implementation of all legislation, schemes and other programmes.



### **Other UN Bodies**

27. The efforts taken by the UN Sub-commission to study descent based discrimination practices as in Caste and the recognition accorded in ICERD need to be extended to other UN covenants like the ICCPR, ICESCR, CEDAW and CRC.
28. The UN agencies working in India should incorporate CERD General Recommendation XXIX into all UN bodies working in India (UNDP, UNICEF, UNIFEM, WHO, ILO).
29. The UN agencies working in India should establish mechanisms to work with Dalit organisations, CBOs, academics and other professionals to reach out to Dalit communities in their programmes with particular reference to Millennium Development Goals.
30. UN agencies working in India should implement affirmative action measures in order to proportionately employ Dalits including women in all development agencies.
31. Ensure that caste and gender disaggregated data is collected on the impact of all current programmes and develop social, economic, educational and health programmes and strategies that ensure non-discrimination and social inclusion.
32. All UN agencies working in India should incorporate an analysis of caste into poverty reduction and disaster response strategies, pay particular attention to caste discrimination, disabilities and violence and develop specific strategies and programmes to curb discrimination and violence, support Dalit empowerment and facilitate education and awareness on diversity and multi/inter-culturalism.
33. ILO should conduct a thorough analysis of the impact of caste discrimination on labour and should work with social partners and develop specific plan of action to address and eradicate caste based discrimination in the labour force, forced and bonded labour and child labour including gender analysis.

### **National Commissions**

34. Expand the Constitutional mandate to the National Commission for Scheduled Castes and National Commission for Safai Karmacharis to ensure that their recommendations become binding on Union or States governments, Public Sector Units, Financial Institutions, and they have powers to undertake corrective measures, including action taking on erring officials is vested in them<sup>15</sup>.
35. Ensure that the Commissions present substantive annual reports and the Government place them before the Parliament within three months for discussion and action.
36. Ensure that all States, Ministries and Departments follow up recommendations of the Commissions and action-taken reports are submitted to the Parliament or respective bodies within six months.
37. Support and facilitate the National Human Rights Commission and National Commission for Women to incorporate analysis of caste discrimination and disabilities and take necessary additional steps to support Dalit women and communities in ensuring and accessing their rights and entitlements.

### **Union/ State Governments Bodies**

#### **Legislative**

38. Indian Parliament to adopt the Optional Protocol of ICERD, ICCPR, ICESCR to make it effective to tackle the various aspects of non-implementation of the acts specific to discrimination and violence related to discrimination.
39. Amend Art. 21 of the Constitution of India to include the following rights to all citizens, with special emphasis on Dalits and tribals on the basis of low economic income; the right to a

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<sup>15</sup> The National Commission for SC/ST has made these recommendations in their many reports to the government.

standard of living adequate for the health and well being of women and men equally, including food, safe drinking water, clothing, housing, public health and medical care, social security and social services, the right to living wage and the right to 5 acres of cultivable land or to gainful employment.

40. Adopt the amendments recommended by the National Human Rights Commission, National Commission for SC/ST and other bodies for effective implementation of SC/ST to the SC/ST (POA) Act to ensure justice to Dalit victims-expand rule 7 to include sub inspectors of police, holding Dalit officials accountable for neglect and erring in their duties, include social and economic boycott and blackmail as crimes.
41. Ensure land and livelihood rights of Dalits living in scheduled areas in the Forest Bill.

### **Executive**

42. Organize periodic sensitization and exposure programmes to all members of the executive on untouchability, caste based discrimination and disabilities drawing resource persons from Dalit communities to share experiences and bottlenecks and progressive developments and best practices in diversity and multicultural principles and programmes.
43. Take up confidence-building measures among Dalit communities on Constitutional values and principles, government institutions and implementation through frequent interaction and visit to Dalit communities, pro-active and prompt response in times of discrimination and conflict and immediate relief and adequate rehabilitation.
44. Ensure that the local bodies, district administration as well as state and ministries develop comprehensive mechanisms and programmes for enhancing for mandatory and increased access and availing of development programmes by Dalits.
45. Identify atrocity and discrimination prone areas and take up special measures for early identification, prevention and peace building.

### **Judiciary**

46. Ensure that the relevant provisions of SC/ST (POA) Act, 1989 is cited under grounds in all crimes against Dalits in keeping with the objectives of the Act and recognizing the vulnerability of Dalit communities and the power and domination of the dominant castes in society and bureaucracy. *Mens rea* is presumed by the law and need not be proved specifically because the intent is built into social attitudes and is not a matter of personal intent.
47. Ensure speedy trials and disposals of crimes under PCRA, SC/ST (POA) Act and other crimes related to Dalits as they are under threat from dominant castes and their financial situations do not allow them to fight long battles in the courts.
48. Promote the usage of Section 4 of SC/ST (POA) Act to bring to book erring officials to increase greater accountability in the system.

### **Special Legislations**

49. Enforce with stringent measures the Bonded Labour System (Abolition) Act, 1976 and ensure immediate release and sufficient rehabilitation package to victims to prevent their lapse into the system.
50. Immediately and urgently release and rehabilitate all members involved in the work of manual scavenging providing alternate and sustainable livelihoods and employment and development programmes for the victims as well as their families and prosecute all violators and perpetrators of the dehumanizing practice.
51. Extend the Devadasi System Abolition Acts to cover the practice in any part of the country and ensure the abolition of the system with immediate effect and provide relief and rehabilitation to victims and livelihood and development programmes for their families.

### **Earnest Implementation of Special Component Plan**

52. The mandated 16% (according to the proportion of Scheduled Castes to the total population of the country) of the budget must be allocated and spent strictly for the direct development of the scheduled castes by all ministries and departments at the central and state levels.
53. Any unspent money under SCP must be allowed to carry over and not be diverted or lapsed in the following year.
54. The social welfare department should be made the nodal department with full autonomy in the policy, planning, and implementation of the SCP as is being done in the state of Maharashtra.
55. Union government should ensure that states come up with a need-based plan for the SCP before the release of budgets.

### **Protect Rights of Dalit Children**

56. Ensure strict enforcement of Child Labour (Prohibition and Regulation) Act, 1986, with comprehensive measures to enumerate disaggregated data, and special vulnerability of Dalit children.
57. Implement focused measures to arrest child labour among Dalit children - disaggregated data on Dalit children in child labour, inspection and rescue of children in hazardous industries, Special measures to protect the vulnerability of Dalit girl children, special development programmes for areas that provide child labour, special measures to arrest distress migration and special drives to prevent trafficking of children etc.
58. Implement compulsory, free and high quality education for all Dalit children, making adequate funds allocation proportionate to the level of illiteracy, increase the number and amount of scholarships, provide better infrastructure facilities in SC schools and hostels, and offer market oriented vocational and technical education.

### **Ensure Rights of Dalit Women**

59. Recognize Dalit women as a distinct category among women and accordingly make disaggregated data on Dalit women available in census reports, action taken reports, and progress reports and while reporting to international treatise bodies.
60. Evolve national and state level perspective plans for mainstreaming Dalit women in developmental programmes, market enterprises, financial allocations, reservation in education and employment and health facilities.
61. Ensure proper representation of Dalit women in statutory bodies and committees, vigilance and monitoring bodies and undertake capacity building programmes to promote their active participation.

### **Reservation**

62. Ensure implementation of Reservation Policy in the institutions of higher education both among faculty and students.
63. Extend reservation to the armed forces as has been recommended by the National Commission: "The National Commission for SCs/STs still however feels that the Government should introduce some element of reservation in Armed forces without adversely effecting the efficiency as there was no substance to challenge the competency when there were regiments like Sikh and *Mahars* known for their excellent achievements. The Commission recommends that as far as possible in direct recruitments the reservation may be introduced<sup>16</sup>
64. Extend reservation to the judiciary as has been recommended by the National

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<sup>16</sup> NCSC/ST Seventh Report, 2001-02, New Delhi, p.65

Commission: "The Commission reiterates its recommendations made in its earlier reports that reservation provided for in judicial appointments below the High Courts needs to be implemented to fulfill the prescribed reservation percentage. The Commission also reiterates its recommendation to consider provision of reservation in appointments of judges to the High Courts and Supreme Court of India"<sup>17</sup>

65. Extend Reservation to Private sector and it should apply to multiple spheres, namely private employment, market, private capital market, agricultural land, private education and housing, access to inputs and services, products and consumer-goods
66. Reservation in private sector should include legal safeguards of equal opportunities and non-discrimination. It should be in proportion to population and put in place adequate monitoring mechanisms.
67. Reservation in educational institutions, jobs and other Constitutional Safeguards should also be provided to Dalits who profess and practise Christianity and Islam.

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<sup>17</sup> NCSC/ST Seventh Report, 2001-02, New Delhi, p.66