



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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7 May 2012

### IND104063.E

India: Treatment of Dalits by society and government authorities, including the state response to mistreatment (2010-March 2012)

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#### 1. About the Dalits

The term *Dalit* means "'broken'" (NCDHR n.d.a; Dalit Foundation n.d.; Navsarjan n.d.b), "'oppressed'" (ibid.; Dalit Foundation n.d.a; US 8 Apr. 2011, 58), or "'crushed'" (ibid.). Dalits are officially referred to by Indian state authorities as "Scheduled Castes" (India n.d.a; Dalit Foundation n.d.a; Rao 1 July 2011), a group of people "suffering from extreme social, educational and economic backwardness" because of the "age-old practice of untouchability" (India n.d.a).

Sources estimate that there are approximately 164.8 million (Navsarjan and RFK Center 2010, 3) to 170 million Dalits in India (NCDHR n.d.a). Dalits account for 16 percent of India's total population (Navsarjan n.d.b; US 8 Apr. 2011, 58), or one out of every six Indians (NCDHR n.d.b; *The Hindu* 19 July 2011). According to the Dalit Foundation, a New Delhi-based NGO (n.d.b), 80 percent of Dalits live in rural areas (n.d.a).

#### 1.1 India's Caste System and the Dalits

The hierarchical caste system in India is described as an "ancient historical legacy" related to Hinduism (*Policy Perspectives* 30 June 2011). In the caste system, the differences between castes are "defined in terms of pollution and purity, with the higher caste regarded as 'pure' compared to the lower caste" (ibid.). The National Campaign on Dalit Human Rights (NCDHR), which is led by Dalit men and women and supported by "organizations, academics, individuals ... and institutions" from across India (n.d.c), explains that the caste system divides people into "unequal social groups" determined by birth (n.d.a). A Dalit activist at the Centre for Social Equity and Inclusion in New Delhi noted, in a 2011 *Globe and Mail* article, that Indians can identify the caste of another person based on "surname, family and village connections, food habits, rituals and ceremonies and general enquiry into one's family and background" (2 Dec. 2011).

As what were formerly known as the "'untouchables,'" Dalits fall outside India's traditional four-fold caste system, which restricts the occupation of members and their association with people of other castes (NCDHR n.d.b;

Navsarjan n.d.b; *The Globe and Mail* 2 Dec. 2011). They are the lowest ranking group in society (US 8 Apr. 2011, 58; Navsarjan n.d.b; *The Hindu* 19 July 2011). Associated with certain jobs or occupations, Dalits are defined as "impure" (*The Nation* 24 Apr. 2011; NCDHR n.d.a) and "polluting" (ibid.; *The Globe and Mail* 2 Dec. 2011). Navsarjan, a Dalit rights group based in the state of Gujarat (n.d.d), explains that Dalits are divided into sub-castes that assign them such occupations as leather worker, street sweeper, cobbler and agricultural worker (Navsarjan n.d.b). The lowest sub-caste of Dalits, estimated to be approximately 1 million (ibid.) to 1.3 million people (*The Nation* 24 Apr. 2011), work as "manual scavengers," with duties that include cleaning human excrement (ibid.; Navsarjan n.d.b). According to the Pakistani newspaper the *Nation*, some Dalits who work in cities clean sewage drains without protective gear, resulting in 100 deaths annually "from inhalation of toxic gases or from drowning in human excrement" (24 Apr. 2011). The US Department of State's *Country Reports on Human Rights Practices for 2010* similarly notes that Dalit workers cleaned sewers and drains of human excrement "without proper equipment and under extremely unsanitary conditions" (US 8 Apr. 2011, 70).

## 1.2 Living Conditions for Dalits

Sources indicate that many Dalits suffer from malnutrition (ibid., 58; ALRC 24 Feb. 2011, 2) and live in "extreme poverty" (NCDHR n.d.a), unable to earn enough money to "feed their families or send their children to school" (Navsarjan n.d.b). In 2010, the *Hindustan Times* reported on a "recent" study, entitled "Untouchability in Rural India," that surveyed 565 villages in 11 Indian states (23 Nov. 2010). According to the study, half of Dalit children are undernourished and the literacy rate among Dalit women is 37.8 percent (*Hindustan Times* 23 Nov. 2010). According to Navsarjan, less than 10 percent of Dalit families can afford drinking water, electricity or toilets (n.d.b).

## 2. Reports of Discrimination

A range of sources maintain that Dalits continue to suffer discrimination -- described as "deep" (*The Guardian* 8 Feb. 2012), "widespread" (*Hindustan Times* 23 Nov. 2010) and "prevalent" (US 8 Apr. 2011, 58) -- based on caste and the practice of untouchability, even though it is illegal (ibid.; *Hindustan Times* 23 Nov. 2010). Untouchability, a "direct product of the caste system" (Navsarjan n.d.c), means that Dalits often live segregated from the caste communities (ibid.; *The Guardian* 8 Feb. 2012; *Hindustan Times* 23 Nov. 2010). They are reported to be typically denied access to public wells, must use separate cups for drinking, and are denied entrance into temples, among other restrictions (Navsarjan n.d.c; NCDHR n.d.a).

Dalit rights groups indicate that the practice of untouchability also affects Dalits in schools (Navsarjan n.d.c; NCDHR n.d.a). For example, Dalit children may be required to clean toilets, eat separately from the other children (Navsarjan n.d.c), or sit in the back of the classroom (NCDHR n.d.a). As well, Dalits attending higher educational institutions have reportedly been subject to "caste-based discrimination," driving some Dalit students to suicide (*The Globe and Mail* 2 Dec. 2011; *The Chronicle of Higher Education* 11 Dec. 2011).

Sources report that even when Dalits convert to another religion, they are not free from caste-based discrimination (*Afternoon Voice* 26 Mar. 2012; Navsarjan n.d.b). As an example of this, Navsarjan notes that Christian Dalits are allotted separate burial grounds from non-Dalit Christians (ibid.).

## 2.1 Prevalence of Untouchability Practices

The previously mentioned "Untouchability in Rural India" study revealed that

- in 33 percent of the 565 villages surveyed (in 11 states), public health workers refused to visit Dalit homes;
- in 37.8 percent of the villages, Dalit children at government schools had to eat apart from the other children;
- in 23.5 percent of villages, Dalits were denied postal service to their homes; and
- in 48.4 percent of villages surveyed, Dalits were denied access to water sources (*Hindustan Times* 23 Nov. 2010).

In addition, a survey of 5,462 people from 1,589 villages in Gujarat state, in western India, which was carried out over four years by Navsarjan and the Robert F. Kennedy (RFK) Center for Justice and Human Rights to determine untouchability practices, revealed the following:

- In 98.1% of villages surveyed, a Dalit cannot rent a house in a non-Dalit community.
- In 97.6% of villages, Dalits must not touch the water pots or utensils of non-Dalits [because] such contact is considered defilement.
- In 97.2% of villages surveyed, Dalit religious leaders will never be asked to celebrate a religious ceremony in a non-Dalit area. (Navsarjan and RFK Center 2010, i, v, 17)

The Navsarjan and RFK Center survey also showed that Dalits face the following restrictions:

- In 87 percent of villages surveyed, Dalits were not allowed to rent pots for weddings;
- In 73 percent of villages surveyed, Dalits were not allowed to use the services of the barber
- In 61 percent of villages surveyed, Dalits were not allowed to use the services of potters;
- In 33 percent of villages surveyed, Dalits were not allowed to use the services of tailors;
- In 29 percent of villages surveyed, Dalits were denied access to the drinking supply (and 71 percent of the villages do not have a drinking tap in the Dalit section); and
- In 10 percent of the villages surveyed, Dalits were not allowed to use the services of the village's private doctor (Navsarjan and RFK Center 2010, 19).

According to authors Navsarjan and the RFK Center, their data indicates that "there is systematic underestimation of the practice of untouchability within modern India," and that "the daily life of many Dalits is unchanged from the time before ... prohibitions against the practice of untouchability existed" (*ibid.*, v, 1). In addition, they note the presence of a considerable amount of "horizontal discrimination, the practice of untouchability by certain Dalit sub-castes against other Dalit sub-castes" (*ibid.*, 22-23).

### 3. Violence

A variety of sources indicate that Dalits are subject to violence by upper-caste members (Navsarjan n.d.a; ACHR 2011, 66; *Policy Perspectives* 30 June 2011). Freedom House writes that Dalits face "routine" violence (2011). The *Nation* similarly states that killings, rape and other abuses related to caste are a "daily occurrence" affecting Dalits (24 Apr. 2011). Sources report that Dalits have been attacked for actions such as riding a motorcycle (*The Chronicle of Higher Education* 11 Dec. 2011; *The Times of India* 3 May 2011), talking on a cell phone (*The Chronicle of Higher Education* 11 Dec. 2011), or taking water from a well not designated for their use (ibid.; CDR [Mar. 2011], 25).

#### 3.1 Statistics on Violent Crimes

India's National Crime Records Bureau has documented incidents and rates of crime committed against Scheduled Castes in 2010 (India 2010, 423). According to their statistics, there were 32,712 incidences of crime against Scheduled Castes reported throughout the country, which included 570 murders, 1,349 rapes, 511 kidnappings and abductions, 4,376 cases of "hurt," 143 cases of *Protection of Civil Rights Act*, and 10,513 cases of *Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act* (ibid., 423-426). The five Indian states with the highest level of reported incidents committed against Scheduled Castes are Uttar Pradesh (6,272), Rajasthan (4,979), Andhra Pradesh (4,321), Bihar (3,516) and Madhya Pradesh (3,374) (ibid., 423). However, sources also indicate that most cases of violence against Dalits go unreported (*The Nation* 24 Apr. 2011; Navsarjan n.d.b).

#### 3.2 Incidences of Violent Crimes

The New Delhi-based Asian Centre for Human Rights (ACHR) has documented media reports from 2010 that allege or identify upper-caste persons as responsible for beating Dalit people, at times to death, setting them on fire, subjecting them to humiliating treatment, and raping and sexually abusing Dalit women (ACHR 2011, 66-71). The record of murders listed by the ACHR include incidences of a student dying as a result of a beating by upper-caste teachers when he objected to his teacher's abuse; a Dalit man killed for intervening in the beating of a Dalit boy found in a place restricted from Dalits; a Dalit man killed for demanding his wages; and a Dalit youth killed for defying a village dictate against attending a wedding (ibid., 66-67). The beatings include cases in which Dalit women were beaten and paraded naked through the street (ibid., 69). The reports of sexual violence include one in which a Dalit teenager was attacked, molested, and had a finger chopped off after she filed a complaint with the police about another incident; and another in which a Dalit woman was raped by two upper-caste men after she spoke out against their refusal to let her enter a temple (ibid., 71). The ACHR compendium also notes a case in which 25 Dalit families from a village in Chitradurga district, Karnataka, fled the community after being subjected to "rape, torture and socio-economic boycott" by upper-caste communities; the families alleged that the men were forced to work as bonded labourers and the women were routinely visited in their homes and sexually assaulted by the landlords (ibid.).

The Centre for Dalit Rights (CDR), which monitors caste-based human rights violations in Rajasthan state (n.d.), has documented 814 "atrocities" committed against Dalits in Rajasthan between 1 April 2010 and March 2011, including 40 murders, 80 rapes, 290 cases of beatings and abuse, 10 cases of arson and 34 cases of "mass violence" ([Mar. 2011], 1). Some of the cases of

mass violence include instances in which upper-caste members forced Dalit communities and families off their land or out of their homes, while some of the rape cases involve minors and instances of gang rape (ibid., 90, 91, 93, 113, 121).

### **3.3 Violence Based on Triggers Other than Caste**

Sources also note that Dalits are particularly vulnerable to violence when they assert their rights (*Policy Perspectives* 30 June 2011; Navsarjan n.d.a; *Hindustan Times* 23 Nov. 2010). Navsarjan explains that, in reaction to Dalit protests and political organization, both upper castes and "Other Backward Castes" (lower castes) have inflicted "violent repressive measures to silence any form of dissent among the Dalits" (n.d.a). These measures include gang rape, arson, and murder, such as stabbing people to death or burning them alive (n.d.a). The UN's Special Rapporteur on the situation of human rights defenders, reporting on her mission to India from 10 to 21 January 2011, indicated that upper-caste people have subjected Dalit rights defenders to "threats, beatings and caste-based insults in public places, direct and indirect destruction of their property/belongings; and filing of false charges against them" (UN 6 Feb. 2012, para. 112).

The NCDHR notes that, in addition to caste, Dalit women are vulnerable to violence because of their "class and gender," and that landlords and police sometimes sexually abuse them as a means of suppressing dissent within Dalit communities (n.d.a). In addition, the rights group reports that some Dalit girls have been forced into prostitution for upper-caste members and priests (NCDHR n.d.a).

Sources also indicate that many Dalit children are put into bonded labour (*The Nation* 24 Apr. 2011; ALRC 1 Sept. 2010, 2). According to the Asian Legal Resource Centre (ALRC), an NGO with general consultative status to the UN's Economic and Social Council, although bonded labour is prohibited in India, the practice continues, and children from Dalit communities are the "worst" affected (ibid., i, 2). The NGO explains that Dalit families and communities in rural areas, particularly in Gujarat, Uttar Pradesh, Bihar, Tamil Nadu and Karnataka, that have been forced to work for landlords may end up in "perpetual debt traps," resulting in "entire families and villages ending up as bonded to the landlord for generations" (ibid., 2). Children from families forced to migrate to cities because of a lack of income opportunities may end up working as bonded labourers in small-scale manufacturing industries or restaurants, or as bonded beggars or sex workers (ibid.).

## **4. Legislation**

Sources indicate that, in 1950, the practice of "untouchability" was outlawed in India's constitution (Navsarjan n.d.c; NCDHR n.d.a; *The Chronicle of Higher Education* 11 Dec. 2011). According to India's Ministry of Social Justice and Empowerment, the *Protection of Civil Rights Act, 1955* makes it illegal to prevent a person on the grounds of untouchability from such things as entering a place of worship; using water from any public source; accessing shops, restaurants, hotels, and other public places; using utensils for the general public; accessing public hospitals, schools, and hostels; and buying goods and services (India n.d.b).

In addition, the *Scheduled Castes and Scheduled Tribes (Prevention of*

*Atrocities) Act of 1989, deeming such acts as "atrocities," makes it illegal for an upper-caste person to force a person from a Scheduled Caste or Tribe to commit any of the following acts:*

[T]o drink or eat any inedible or obnoxious substance;

[T]o cause injury, insult or annoyance by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighbourhood;

[F]orcibly removes clothes or parades him naked or with painted face or body or commits any similar act which is derogatory to human dignity;

[W]rongfully occupies or cultivates any land owned by, or allotted to, or notified by any competent authority to be allotted to him transferred;

[W]rongfully dispossesses from his land or premises or interferes with the enjoyment of his rights over any land, premises or water;

[C]ompels or entices to do "begar" or other similar forms of forced or bonded labour other than any compulsory service for public purposes imposed by Government;

[F]orces or intimidates not to vote or to vote a particular candidate or to vote in a manner other than that provided by law;

[I]nstitutes false, malicious or vexatious suit or criminal or other legal proceedings;

[G]ives any false or frivolous information to any public servant and thereby causes such as public servant to use his lawful power to the injury or annoyance;

[I]ntentionally insults or intimidates with intent to humiliate any place with in public view;

[A]ssaults or uses force to any woman with intent to dishonour or outrage her modesty;

[B]eing in a position to dominate the will of a woman and uses that position to exploit her sexually to which she would not have otherwise agreed;

[C]orrupts or fouls the water of any spring, reservoir or any other source ordinarily used so as to render it less fit for the purpose for which it is ordinarily used;

[D]enies any customary right of passage to place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any section thereof have a right to use or access to;

[F]orces or causes to leave his house, village or other place of residence. (India n.d.b)

The law includes the possibility of punishment with a prison term of six months to five years (ibid.). However, sources indicate that officials do not properly implement the Act (Navsarjan n.d.a; *The Hindu* 1 Apr. 2011). Amnesty International states that authorities failed to use India's "special laws" to prosecute those who perpetrated "attacks and discrimination" against Dalits (2011). According to Navsarjan, the protections offered by Indian laws "are seldom enforced as caste hierarchy is mirrored in the bureaucratic, police and court systems" (n.d.a).

## **5. State Protection**

The Ministry of Social Justice and Empowerment is tasked with overseeing issues related to Scheduled Castes and monitoring the efforts of federal and state ministries to "protect and promote" the well-being of Scheduled Castes (India n.d.c). The Ministry is also responsible for the implementation of the *Protection of Civil Rights Act* and the *Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act*, 1989 (ibid.).

### **5.1 State Welfare Programs**

Sources indicate that the government has set quotas to reserve government jobs and places at higher education institutions for Dalits (India n.d.a; USCIRF May 2011, 252; *The Chronicle of Higher Education* 11 Dec. 2011). The media reports that some Dalits have been able to access educational opportunities and obtain professional occupations in cities through such affirmative action measures (*The Globe and Mail* 2 Dec. 2011; *The Sunday Independent* 17 Apr. 2011). However, the NCDHR maintains that these quotas only benefit a "small percentage" of Dalits (n.d.a). Dalits who convert to Islam or Christianity do not benefit from them (USCIRF May 2011, 252; India n.d.b).

*Country Reports 2010* notes that many of the state and federal programs designed to assist Dalits suffer from "poor implementation and corruption" (US 8 Apr. 2011, 59). According to Navsarjan, government authorities often "deny" Dalit families such basic services as electricity and water, while they provide them to non-Dalits (n.d.a). The ALRC, in a report to the UN Human Rights Council, criticized state authorities for failing to address child malnutrition among Dalits and tribal groups (24 Feb. 2011, 2).

### **5. 2 Police**

Several sources report that the police often refuse to register crimes committed against Dalits (NCDHR n.d.a; *The Hindu* 20 Feb. 2011; *Hindustan Times* 23 Nov. 2010). *Country Reports 2010* notes that crimes against Dalits often went unpunished either because state authorities did not prosecute or because victims did not report the crime "for fear of retaliation" (US 8 Apr. 2011, 58). According to the previously mentioned study on untouchability practices in 565 villages in 11 states, Dalits were not allowed to enter police stations in 27.6 percent of the villages surveyed (*Hindustan Times* 23 Nov. 2010). Navsarjan notes that police officers, influenced by "caste allegiance and bribery," immediately arrest suspects accused of violence only rarely (Navsarjan n.d.a).

In addition, Dalits suffer abuse by the police (NCDHR n.d.a; Freedom House 2011). The CDR recorded several cases of abuse by police in Rajasthan between 1 April 2010 and March 2011 ([Mar. 2011], 2, 3, 23, 26, 27, 54, 288). These included instances in which police officers beat, "tortured," and gang raped

Dalit persons (CDR [Mar. 2011], 2, 3, 23, 26, 27, 54, 288). The report also demonstrated cases of police inaction to crimes against Dalits (ibid., 90, 107). The BBC reports that, in September 2011, the police opened fire on a crowd of Dalit protesters in Paramakudi town, Tamil Nadu, killing five people (12 Sept. 2011).

The UN Special Rapporteur, reporting on the situation of human rights defenders when in India in January 2011, said that

[w]ith regard to the police and state officials, Dalits' rights defenders reportedly have often seen their complaints not taken up and instead have been charged in false cases and filed counter cases, in collusion with the dominant caste community. They have also been summarily executed, forcibly disappeared, physically assaulted, arbitrary detained, named rowdy sheeters [someone with a criminal record], branded as Naxalites and anti-nationals, and had their privacy invaded, including by being placed under surveillance. (UN 6 Feb. 2012, para. 113)

The CDR monitoring report likewise notes a case in which the police demolished the home of a Dalit human rights defender, and another in which the police filed a false report and "torture[d]" a Dalit activist (21, 74). The Observatory for the Protection of Human Rights Defenders, a program created by the International Federation for Human Rights and the World Organisation Against Torture in 1997 (World Organisation n.d.), reports of a case in which five members of the Dalit Foundation were arrested and detained at the Veeravanallur police station in the Tirunelveli district of Tamil Nadu when they were inquiring about a case in which a Dalit youth was allegedly tortured by the police (Observatory 25 Jan. 2012, 3).

### 5.3 Judiciary

Navsarjan describes the legal procedures involved in prosecuting crimes against Dalits as "unbearably slow" and as "lengthy and costly" (n.d.a). The rights group also notes that the alleged perpetrators, who often live near the victims, frequently threaten the victims and their relatives if legal actions are in progress (Navsarjan n.d.a). The *Nation* reports that crimes against Dalits rarely make it to court, but that, when they do, the defendant is usually acquitted (24 Aug. 2011). The NCDHR similarly states that crimes against Dalits, including murder, rape, exploitative labour and forced displacement, are rarely prosecuted (n.d.a). It also indicates that less than one percent of those accused of crimes against Dalit women are convicted (n.d.a).

#### 5.3.1 Statistics on Cases Before the Courts

India's National Crime Records Bureau provides statistics on the number of cases before the courts, as well as the number of convictions and acquittals, for the following crimes against Scheduled Castes:

Crime	2010 Cases, including those pending from	Cases pending at end of 2010	Cases compounded or withdrawn	Convictions	Acquittals or Discharges

	previous year				
<b>Murder</b>	3,012	2,387	1	303	321
<b>Rape</b>	5,014	4,006	12	358	638
<b>Kidnapping/ Abduction</b>	1,398	1,080	2	141	175
<b>Dacoity [robbery by an armed gang]</b>	134	113	0	4	17
<b>Robbery</b>	317	261	1	16	39
<b>Arson</b>	862	722	3	49	88
<b>Hurt</b>	14,566	11,370	126	783	2,287
<b>Protection of Civil Rights Act for SC</b>	1,376	1,127	5	53	191
<b>Prevention of Atrocity Act for SCs</b>	40,481	31,932	143	3,225	5,181
<b>Other Crimes against SC</b>	40,598	31,857	431	2,837	5,474
<b>Total</b>	<b>107,758</b>	<b>84,855</b>	<b>724</b>	<b>7,769</b>	<b>14,411</b>

(India 2010, 430)

Of the 22,180 crimes against Scheduled Castes that were tried in 2010, there was a 35 percent conviction rate; this rate varied from 3.9 percent in Maharashtra to 64.5 percent in Uttar Pradesh (ibid., 431). At the end of 2010, 78.7 percent of the total number of cases remained pending (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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