

# SUBMISSION TO THE UNITED NATIONS HUMAN RIGHTS COMMITTEE

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STATE PARTY: INDIA

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**Submitted by:**  
**National Campaign on Dalit Human Rights (NCDHR)**  
**New Delhi, India**

## Introduction:

1. This submission by the National Campaign on Dalit Human Rights (NCDHR)<sup>1</sup> is presented to the United Nations (UN) Human Rights Committee (the Committee) for its 141st session concerning India. The document examines critical issues pertaining to violations of the International Covenant on Civil and Political Rights (ICCPR) by the Union Government of India, particularly focusing on the Scheduled Castes<sup>2</sup> (Dalits), who are recognized as India's socio-economically vulnerable community.
2. The submission serves as an essential appeal to the Committee, urging it to address these concerns during its review of India's compliance with the ICCPR. It underscores the significant disparity between the constitutional protections afforded to Dalits and the stark realities they endure. This introduction aims to contextualize the document, stressing the imperative of safeguarding the rights of these marginalized groups in India. It positions the submission as a compelling call to action for the UN Human Rights Committee to hold India accountable for adhering to its obligations under the ICCPR.
3. India's caste system, a hierarchical social structure based on birth<sup>3</sup>, continues to be a significant source of social stratification and discrimination. Despite its official abolition in 1950, the system's influence persists in areas like housing, marriage, employment, educational institutions, social interaction etc. This often manifests as social ostracism, economic boycotts, and even physical violence.<sup>4</sup> Dalits, formerly referred to as "untouchables," are particularly vulnerable, facing a lifetime of marginalization and exploitation. This includes violence perpetrated by both state and non-state actors, violating their fundamental rights enshrined in the Indian Constitution. While the government has enacted various legislative measures to address caste discrimination<sup>5</sup>,

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<sup>1</sup> NCDHR having its presence in 22 states of India is committed to the elimination of discrimination based on work and descent (caste) and work towards protection and promotion of human rights of Scheduled Castes (Dalits) and Scheduled Tribes (Adivasis) across India. NCDHR works towards the realization of all civil, cultural, economic, political and social human rights of Dalits and Adivasis in the country and towards holding the Indian government accountable to its national and international human rights obligations.

<sup>2</sup> Scheduled Castes include a number of groups that were excluded from the structured social hierarchy imposed by adherents of caste ideology.

<sup>3</sup> Goghari, V. M., & Kusi, M. (2023). An introduction to the basic elements of the caste system of India. *Frontiers in psychology*, 14, 1210577. <https://doi.org/10.3389/fpsyg.2023.1210577>

<sup>4</sup> Vengateshwaran, C., & Velusamy, M. (2017). Atrocities against Dalits: Make Them Weak and Remain As. *American International Journal of Research in Humanities, Arts, and Social Sciences*, 18(2), 120-122.

<sup>5</sup> Home, Department of Social Justice and Empowerment, Ministry of Social Justice and Empowerment, GOI

implementation remains a challenge. This has led to ongoing instances of prejudice and brutality towards Dalits. Further exploration is needed to understand the factors hindering successful implementation of these policies.

4. The Dalits who achieved economic mobility through education and employment elsewhere were still treated as socially inferior within the village. Intense practices of untouchability and forms of apartheid continue to exist. The Dalits have access only to their community temple and are not allowed to enter the village temple. They are not allowed to sit on the wooden and stone benches at the centre of the village (manthai). Dalits are expected to remove their chappals while walking through the upper caste streets and give away seats on public buses from town to village. The youngsters defy certain practices, for example, on the chappal and the bus seat, but the temple entry and denial of seats on the wood/stone benches remain rigid. Any violation of these practices is responded to with brutal violence, humiliation and ostracization from the village<sup>6</sup>.

### Right to determine political status (Article 1):

#### Exclusion, and exploitation with in political sphere:

5. Caste is a distinct Indian social institution that legitimizes and enforces practices of discrimination against people born into particular castes, and legitimizes practices that are humiliating, exclusionary and exploitative. In the early years of state formation, *Dr Babasaheb Ambedkar*<sup>7</sup>, stressed social democracy over political democracy, rooting the substantive aspect of democracy on the annihilation of the caste hierarchy in particular. Ironically, the electoral democratic mechanism in India is credited with entrenching caste hierarchy rather than weakening it, what *Rajni Kothari*<sup>8</sup> called caste politics or politicization of caste. The logic is that different caste groups en masse formed separate vote blocks and supported political parties where it appeared they had representation and power.
6. The recent one of the instances in Uttar Pradesh, the Bahujan Samaj Party's (BSP), national general secretary Mr. Mishra said "*We are receiving information from various polling stations that BSP voters, especially Dalits, are being stopped from reaching polling booths by use of force by the UP Police which is even going to the extent of using force of baton so that they may not be able to cast their votes.*"<sup>9</sup>
7. Dalits are always seen as a vote bank in India, when they try to break the frame of caste politics and entered into it, they have faced hurdles, e.g. a Dalit woman, elected as the president of the Nayakaneri panchayat in Tirupattur district, Tamil Nadu in October 2021, is yet to be sworn in by the district administration even after almost two years after being awarded the certificate of election. In an act that undermined the electoral democracy, she was not permitted to take oath in the Vanniyar-dominated panchayat.<sup>10</sup>
8. A former president of the panchayat, belonging to the Vanniyar caste, approached the Madras High Court, seeking to quash the Election Commission's decision to reserve the panchayat for Scheduled Caste (SC) Women. Though the case was dismissed, an appeal was filed based on which the elected representative was prevented from taking oath until now, despite the district administration being in the dark about the outcome of the appeal.<sup>11</sup>

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<https://socialjustice.gov.in/writereaddata/UploadFile/The%20Scheduled%20Castes%20and%20Scheduled%20Tribes.pdf>

<sup>6</sup> <https://grnpp.org/dalits-in-parliamentary-politics-caste-violence-and-local-democracy-in-india/>

<sup>7</sup> Dr. Babasaheb Ambedkar was an Indian jurist, economist, social reformer and political leader who headed the committee drafting the Constitution of India from the Constituent Assembly debates,

<sup>8</sup> Rajni Kothari was an Indian political scientist, political theorist, academic and writer.

<sup>9</sup> Indian Express, BSP claims Dalits stopped from voting by police in UP; EC dismisses allegations, ExpressWebDesk, 11.04.23, <https://indianexpress.com/elections/bsp-dalits-voting-up-ec-lok-sabha-polls-5671231/>

<sup>10</sup> Newsclick, TN: Two Years After Election, Dalit Woman President-Elect of Village Panchayat Prevented from Swearing In, Neelambaran, 15.09.23, <https://www.newsclick.in/tn-two-years-after-election-dalit-woman-president-elect-village-panchayat-prevented-swearing>

<sup>11</sup> Ibid

9. Indumathi was elected unanimously as the only other contender's nomination was rejected. But, Siva Kumar, a former panchayat president belonging to the Most Backward Community (MBC), filed a case in the Madras High Court, seeking to prevent the elected president from taking the oath.<sup>12</sup> Dalit politicians, are threatened, bullied, terrorized, attacked, and even killed, restricting them from functioning as their position.
10. While the Dalits had their community leaders looking after the affairs in their hamlet, the Dalit leader was not recognised as the village leader. The leader (Ūr Thalaivar) was always an upper-caste man who made decisions through the village council (Ūr Kūttam), which consisted of members of the dominant/intermediary castes. While the introduction of local self-governance facilitated the consolidation of power for the dominant caste groups, the reservation of the position of Panchayat president on a rotation basis was a massive blow to the conventional structures of political power and domination.<sup>13</sup>

### **Strengthening electoral inclusivity and governance**

***The Committee should recommend to the government:***

**Recommendation 1:** Prevent the politicization of caste and ensure that all voters have equal access to polling booths. The government should ensure that all polling stations have adequate security measures to prevent violence and intimidation.

**Recommendation 2:** Take steps to protect the rights of Dalit politicians, including providing them with security measures to prevent caste discrimination, threats, bullying, and attacks and implement effective anti-discrimination measures to prevent practices of untouchability, exclusion, and exploitation with in political spheres. This can be achieved by enforcing laws and policies that protect the rights of marginalized communities.

**Recommendation 3:** Promote inclusive governance by ensuring that marginalized communities have a say in decision-making processes. This can be achieved by increasing representation of marginalized communities in government institutions and encouraging participation in local self-governance. Allocate necessary resources for electoral reform consultations and plan development, security measures capacity-building for marginalized communities.

**Recommendation 4:** Monitor and evaluate the effectiveness of anti-discrimination measures and inclusive governance practices by next general elections.

### **Right to life, legal protection and prohibition against Discrimination (Article 2, 6, 26):**

#### ***Raising caste-based violence***

11. Article 6(1) asserts right to life and no one shall be deprived of his life, similarly Article 21 of the Indian Constitution emphasizes on the same thing. Despite legal provisions formulated during and immediately after the colonial era, the caste system has deteriorated the life of lower-castes (Scheduled Castes) with an increase the number of atrocities and their gruesomeness. The data of the NCRB<sup>14</sup> and multiple studies have exposed the Indian, administrative, judicial System, society and their biasness, e.g. *Hathras gangrape*<sup>15</sup>, a 19-year-old Dalit girl was dragged into fields,

<sup>12</sup> Ibid

<sup>13</sup> <https://grnpp.org/dalits-in-parliamentary-politics-caste-violence-and-local-democracy-in-india/>

<sup>14</sup> National Crime Records Bureau is an Indian government agency responsible for collecting and analyzing, crime data as defined by the Indian Penal Code and Special and Local Laws.

<sup>15</sup> Livemint, Hathras gang-rape case: A look at the timeline as UP court sets 3 accused free, livemint, 02March2023, <https://www.livemint.com/news/india/hathras-gang-rape-case-a-look-at-the-timeline-as-up-court-sets-3-accused-free-11677748908293.html>

allegedly raped by dominant caste men, her tongue chopped off, her spine was broken, they left her naked and bleeding to die. After the incident the UP-state police failed to register a complaint for several days. After a few days, in the middle of the night in the village the state police cremated her body, allegedly pouring petrol over it, and they did not even bother to inform the family members about it. When district magistrate, visited the victim's family, he threatened them asking them to change the statements made to the police.

12. Casteism has been likened to a virus that mutates, taking on different forms as it adapts to a changing environment. Its mutation is made harder to observe by it being deeply embedded, not only in our culture, traditions and institutions, but also in our unconscious lives.
13. The following are a few other examples: Shirdi, Maharashtra (Dalit man killed in Shirdi over Ambedkar ringtone on his cellphone)<sup>16</sup>, Gollapalli Tirupati District, Andhra Pradesh (Dalits barred from entering temple in Tirupati district)<sup>17</sup>, Bhavnagar, Gujarat (For riding horse, upper caste men kill Dalit youth in Gujarat)<sup>18</sup>, Pali District, Rajasthan (Killed for Sporting a Moustache: Dalits in Rajasthan's Feudal Villages Face Rising Tide of Caste Violence)<sup>19</sup>, Pudukkottai district, Tamil Nadu (Another Dalit student dies by suicide after being attacked in Tamil Nadu, activists demand urgent action)<sup>20</sup>
14. On February 12, 2023, a sixteen-year-old Dalit boy from Uttar Pradesh's Sirwasuchand village of Bijnor was beaten by his principal for drinking the water from his bottle. In March 2023, another nine-year-old Dalit child from Jalaun district of UP was thrashed by a teacher for drinking water from a pond. In July 2023, a Dalit boy of Rajasthan's Netrad village (Barmer district) was physically abused by his school teacher for drinking water from the school pot.<sup>21</sup> On 20 July 2022, a nine-year-old boy from the Dalit community in Sayla village in Jalore district, Rajasthan died after he was allegedly beaten by his school teacher for drinking water from a pot that had been kept aside for the teacher.<sup>22</sup> The matter was not registered by the police for 23 days in spite of efforts made by the family of the victim.<sup>23</sup>
15. Despite more than 75 years of independence, India has not overcome its casteist mindset. Regardless of religious affiliation -be it Hindu, Muslim, or Christian- Dalits continue to be victims of pervasive prejudices within these communities. A Dalit man Billipuram Nagaraju, 26 was beaten and then stabbed to death in Hyderabad on May 4, 2022 for allegedly marrying a Muslim woman against her family's wishes.<sup>24</sup> A Dalit man Jagdish Chandra (39), was allegedly killed by his in-laws for marrying an upper-caste woman in Uttarakhand's Almora district.<sup>25</sup> Two Pathan men in Gujarat were booked by the police in the Gandhidham town of Kutch district on Tuesday for allegedly beating up a 27-year-old Dalit truck driver for wearing a 'pathani suit' on November 26, 2019.<sup>26</sup> Adam Smith, belonging to Gurajala village of Nandavaram block, had married the woman of the

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<sup>16</sup> Hindustan Times, Dalit man killed in Shirdi over Ambedkar ringtone on his cellphone, HT Correspondent, 23.05.15, <https://www.hindustantimes.com/india/dalit-man-killed-in-shirdi-over-ambedkar-ringtone-on-his-cellphone/story-ctB2Xey1zIsR7pQ9IzH2xN.html>

<sup>17</sup> Times of India, Dalits barred from entering temple in Tirupati district, Sandeep Raghavan, 21.10.23, [http://timesofindia.indiatimes.com/articleshow/102881558.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cpps](http://timesofindia.indiatimes.com/articleshow/102881558.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cpps)

<sup>18</sup> Indian Express, For riding horse, upper caste men kill Dalit youth in Gujarat, Gopal B Kateshiya, 31.03.18, <https://indianexpress.com/article/india/for-riding-horse-upper-caste-men-kill-dalit-youth-in-gujarat-5117872/>

<sup>19</sup> Article 14, Killed For Sporting A Moustache: Dalits In Rajasthan's Feudal Villages Face Rising Tide Of Caste Violence, Tabeenah Anjum, 06.04.22, <https://article-14.com/post/killed-for-sporting-a-moustache-dalits-in-rajasthan-s-feudal-villages-face-rising-tide-of-caste-violence-624cf9afb65f5>

<sup>20</sup> SabrangIndia, Another Dalit student dies by suicide after being attacked in Tamil Nadu activists demand urgent action, SabrangIndia 10.11.23, <https://sabrangindia.in/another-dalit-student-dies-by-suicide-after-being-attacked-in-tamil-nadu-activists-demand-urgent-action/>

<sup>21</sup> TheWire, Caste's Role in Shaping Water Access Is Missing From Indian Environmental Discourse, Abhijit Waghre, 14.08.23, <https://thewire.in/caste/caste-water-access-missing-india-environmental-discourse>

<sup>22</sup> NDTVIndia, Dalit Boy Beaten By Teacher For Drinking Water From His Pot, Dies: Cops, Harsha Kumari Singh & Arun Nair, 14 August 2022 <https://www.ndtv.com/cities/dalit-boy-beaten-by-teacher-for-drinking-water-from-his-pot-in-rajasthans-jalore-dies-cops-3252935>

<sup>23</sup> NHRC notice to Rajasthan govt, DGP over Dalit boy's death <https://nhrc.nic.in/sites/default/files/2022-8-17.pdf> Accessed on 21.05.24

<sup>24</sup> The News Minute, Dalit man beaten to death in Hyderabad allegedly for marrying Muslim woman, TNM staff, 5 May 2022, <https://www.thenewsminute.com/telegana/dalit-man-beaten-death-hyderabad-allegedly-marrying-muslim-woman-163613>

<sup>25</sup> India Today, Dalit man killed by in-laws for marrying upper-caste woman in Uttarakhand, Press Trust of India, 3 September 2022, <https://www.indiatoday.in/india/uttarakhand/story/dalit-man-killed-by-in-laws-for-marrying-upper-caste-woman-in-uttarakhand-1995901-2022-09-03>

<sup>26</sup> The Wire, Two Pathans Assault Dalit Man for Wearing 'Pathani Suit', TW Staff, 5 December 2019, <https://thewire.in/caste/muslim-men-dalit>

- same village six weeks ago at an Arya Samaj temple in Adoni, against her parents' wishes. Smith was a Dalit Christian and the woman hails from Kuruva community, an OBC caste.<sup>27</sup>
16. The above cases show that there are caste prejudices in India. These prejudices have been ingrained with historical juncture in the psyche of the people who take part in such incidents. The social psychology and mindsets of the people can be illustrated by an evil social practice called "Untouchability".
  17. An analysis of the National Crime Records Bureau (NCRB)<sup>28</sup> data in India from 2018 to 2022, as reported in their "Crime in India" reports, reveals a troubling rise in crimes against Scheduled Castes (SCs). The number of registered incidents began at 42,793 in 2018 and steadily climbed to 57,582 in 2022, with a total of 247,527 offenses recorded over the five-year period.
  18. The data from 2021 to 2022 indicates a 13.1 percent increase in crimes against Dalits. Over the five-year period (2018-2022), the conviction rate under the special law<sup>29</sup> [Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and Rules 1995, (PoA Act)], enacted to address targeted violence against Dalits averaged at 33.96%, while the acquittal rate stood significantly higher at 59.62%.
  19. In many cases, FIRs are being lodged only after the intervention of the commissions (or other Commissions) or after intervention by courts<sup>30</sup>.
  20. Exclusive Special Courts reduced from 190 in 2020 to 176 in 2021. The rest are operating as Designated Special Courts. The mandated requirement under the Sec. 14 of the PoA Act to dispose off the cases within 60 days is not followed<sup>31</sup>.
  21. Total Crimes registered under PoA Act in 2021 were 54081 but the number of survivors benefitted of legal aid were 4789 and only 6755 benefited from travelling allowance. Most of the states have not covered survivors under legal aid while some states have not submitted data regarding the beneficiaries<sup>32</sup>.
  22. According to Section 21(2)(v) of PoA act with Rule 16 and 17 of PoA rules, 1995, each state has to conduct at least one meeting per year. However, only 3 states have conducted at least one meeting in all the years between 2019-2022. 8 states have met twice and 3 states have met only once and 23 states have not conducted any SMVC meetings between 2019-2022. DVMC meetings are also not conducted frequently in many districts of the states<sup>33</sup>.

### **Strengthening the legal framework to combat caste based atrocities**

#### ***The Committee should recommend to the government:***

**Recommendation 1:** Conduct a comprehensive review of the amended provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and Rules 1995 to strengthen the legal framework and identify and rectify loopholes in the law, including those related to registration of FIRs, investigation, prosecution and monitoring mechanisms, by involving experts from various fields, including law, sociology, and anthropology, to review and suggest improvements. The strengthening of the legal framework will help ensure that victims of caste-based atrocities receive justice and compensation. Complete the review and suggest improvements within the next 24 months.

<sup>27</sup> Hindustan Times, Dalit youth killed in alleged hate-crime by in-laws in Andhra's Kurnool, Srinivas Rao Apparasu, 21 January 2021, <https://www.hindustantimes.com/andhra-pradesh/dalit-youth-killed-in-alleged-hate-crime-by-in-laws-in-andhra-s-kurnool/story-s9LHy72N6FmICsBUqITzpO.html>

<sup>28</sup> NCRB, Crime/Atrocities against Scheduled Castes (SCs), Ministry of Home Affairs, 2022, <https://ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1701607577CrimeinIndia2022Book1.pdf>

<sup>29</sup> Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and Rules 1995

<sup>30</sup> Annual Report submitted to the President of India on 21.09.2021 and Laid in Parliament on 26.07.2022 for the years 2018-2019 and 2019- 2020, National Commission for Scheduled Castes).

<sup>31</sup> Annual Reports under Section 21(4) of PoA Act, 2021 and Lok Sabha Starred Question No 149 answered on 13.02.2019 by Mr. Ravi Shankar Prasad, Minister of Law and Justice on Exclusive Special Courts.

<sup>32</sup> Annual Report (2021) filed by the Ministry of Social Justice & Empowerment, Department of Social Justice and Empowerment filed under section 21(4) of SCs and STs (PoA) Act 1989.

<sup>33</sup> Annual Report (2019, 2020 and 2021) filed by the Ministry of Social Justice & Empowerment, Department of Social Justice and Empowerment filed under section 21(4) of SCs and STs (PoA) Act 1989.

**Recommendation 2:** Increase the conviction rate by at least 15% under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and Rules 1995 within the next 24 months by implementing measures to improve investigation and prosecution techniques.

**Recommendation 3:** Provide adequate legal aid, compensation, travelling allowance to victims of caste-based atrocities by establishing a dedicated legal aid cell and increasing the number of survivors who receive legal aid by at least 25% within the next 18 months.

**Recommendation 4:** Increase the number of Special Public Prosecutors appointed of victim's choice as per rule 4(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and Rules 1995 by issuing a draft advisory to all the concerned District Magistrates and Directorate of Prosecutions and increasing the number of beneficiaries by at least 50% within the next 18 months.

**Recommendation 5:** Improve data collection and analysis on caste-based atrocities by increasing the number of states submitting mandatory relevant data on various aspects of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and Rules 1995 to the Ministry of Social Justice and Empowerment and National Crime Record Bureau.

**Recommendation 6:** Conduct public awareness campaigns to educate people about caste-based discrimination and atrocities, aiming to increase public awareness and involve CSOs working for the cause of Dalits.

### Discrimination in educational institutions

23. Caste discrimination in educational institutions is a modern form of discrimination which evolved in late 1900. A suicide of *Rohith Vemula*<sup>34</sup> at the University of Hyderabad, sparked a debate on caste discrimination in university campuses in India. Ragging, institutional bullying, caste discrimination<sup>35</sup> and lack of support for Dalit students causes many of them to commit suicide, and discourages other Dalit students from applying to these important Universities/Institutions of learning. This sends a clear signal to young Dalit aspirants that these prestigious Universities/institutions have no place for them.
24. Allegations of discrimination, humiliation, and exclusion have been vehemently denied by the higher education institutions arguing that these suicides took place because those students were unable to adjust to the rigorous educational environment of the institution. Even the government has treated these suicides as isolated incidents and, despite the Thorat Committee's findings of discrimination against Dalits, took no further step to stop such practices in educational institutions. The Thorat Committee was set up in 2007 following grave and widespread allegations of differential treatment and discrimination against students from Dalit and other marginalized sections of society in higher education institutions.<sup>36</sup>
25. According to an answer in 2023, information provided by the Minister of State in the Ministry of Education, Dr. Subhas Sarkar, the dropout rates of students from Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Classes (OBC) across major educational institutions in India are concerning. Over the past five years, dropout numbers in Central Universities include 4,596 OBC students, 2,424 SC students, and 2,622 ST students. In Indian Institutes of Technology (IITs), the figures are 2,066 OBC, 1,068 SC, and 408 ST students. Similarly, in Indian Institutes of

<sup>34</sup> The Hindu, The clarity of a suicide note, Manash Bhattacharjee, 21.01.2023 <https://www.thehindu.com/opinion/op-ed/dalit-scholar-rohith-vemulas-suicide-letter-clarity-of-a-suicide-note/article62112096.ece>

<sup>35</sup> News Laundry, Stress, dropouts, suicides: Unravelling IIT's casteism problem, Sumedha Mittal, 28.03.2023 <https://www.newslaundry.com/2023/03/28/stress-dropouts-suicides-unravelling-iits-casteism-problem>

<sup>36</sup> Maurya, R. K. (2018). In their own voices: Experiences of Dalit students in higher education institutions. *International Journal of Multicultural Education*, 20(3), 17-38.

Management (IIMs), the dropout rates include 163 OBC, 188 SC, and 91 ST students<sup>37&38</sup>. Additionally, as reported by the Minister of Social Justice and Empowerment, Shri Narayanswamy, the number of suicides committed by SC/ST students in India has been rising, with figures of 10,335 in 2019, 12,526 in 2020, and 13,085 in 2021.

26. In 2021-22, the total number of students enrolled in school education from primary to higher secondary levels reached 25.57 crore, marking an increase of 19.36 lakh students from the previous year. Scheduled Caste (SC) enrolment rose to 4.82 crore in 2021-22, up from 4.78 crore in 2020-21. Similarly, Scheduled Tribe (ST) enrolment increased to 2.51 crore from 2.49 crore during the same period. Additionally, enrolment of Other Backward Caste (OBC) students grew from 11.35 crore to 11.49 crore<sup>39</sup>. Despite these increases, the Gross Enrolment Ratio (GER) for SC and ST students at the undergraduate level remains concerning, standing at 23% and 17.2% respectively—both below the national average of 26.3%. The Central Educational Institutions (Reservations in Admission) Act, 2006, mandates quotas of 15% for SC, 7.5% for ST, and 27% for OBC students. However, acceptance rates of applications for these groups in Indian Institutes of Management (IIMs) have been consistently below 4% over the past four years. For example, IIM Ahmedabad received 78 PhD applications from ST students between 2018 and 2022, but only accepted two. Similarly, IIM Bangalore accepted just three out of 188 applications from SC, ST, and other applicants<sup>40</sup>.
27. This data signifies the persistence of caste discrimination in India. The substantial number of crimes against SCs underscores the gravity of this issue. It is important to remember that these figures only reflect reported cases, suggesting the true extent of the problem may be even greater.

### **Addressing caste based discrimination and Exclusion in Educational Institutions**

#### ***The Committee should recommend to the government:***

**Recommendation 1:** Create a discrimination-free educational institutions /school environment by requiring institutions to display their commitment to a discrimination-free environment and taking immediate action to ensure a safe and inclusive environment for all students. The goal is to achieve a 95% reduction in reported incidents of discrimination within the next 12 months.

**Recommendation 2:** Legislate Draft bill on “Prevention of All Forms of Discrimination and Violence against Children in Educational Institution, Bill – 2018” developed by National Dalit Movement for Justice- NCDHR to address caste-based discrimination in educational institutions at all levels

**Recommendation 3:** Encourage educational institutions to display at a prominent place the anti-discrimination guidelines in vernacular languages and increase the number of institutions displaying anti-caste discrimination guidelines/policies and procedures by 80% within the next 12 months.

**Recommendation 4:** Increase the number of Dalit students accessing support services by 50% within the next 24 months and increase the number of instances of caste discrimination reported by 50% within the next 24 months.

**Recommendation 5:** Increase the representation of Dalit students in educational institutions by 30% within the next 60 months.

<sup>37</sup> <https://sansad.in/getFile/annex/259/AU1635.pdf?source=pqars>  
(last accessed on May 12, 2024)

<sup>38</sup> <https://www.hindustantimes.com/india-news/over-13200-sc-st-obc-students-dropped-out-of-iits-iims-in-5-years-minister-101701696844481.html>  
(last accessed on May 12, 2024)

<sup>39</sup> <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1873307> (last accessed on May 12, 2024)

<sup>40</sup> <https://aitcofficial.org/aitc/santanu-sens-speech-during-the-discussions-on-the-constitution-scheduled-tribes-order-amendment-bill-2024-and-the-constitution-scheduled-castes-and-scheduled-tribes-orders-amendment/> (last accessed on May 12, 2024)

**Recommendation 6:** Increasing the budgetary allocation for child protection and quality education by at least five-fold to protect children from abuse, neglect, exploitation, and violence. The goal is to achieve a five-fold increase in the annual budgetary allocation for the Integrated Child Protection Scheme within the next 24 months.

### **Gender-based Violence (Article 2, 3, 6, and 26):**

#### *Violence against Dalit women:*

28. Dalit women of India have been living in the culture of silence throughout the centuries. They have remained mute expectations to their exploitation, oppression and barbarity against them. They do not have any control over their bodies, earnings, and lives. The extreme expression of violence, exploitation and oppression against them is visible in forms of hunger, malnutrition, disease, physical and mental torture, rape, illiteracy, ill-health, unemployment, insecurity and inhuman treatment. The collective forces of Feudalism, Casteism, and patriarchy have made their lives just a hell. An overwhelming majority of them live under the most precarious conditions. In the present age of modernism and post-modernism they are still living in darker age of savagery.
29. The system designed to monitor the increasing cases against Dalits and Dalit women has become largely ineffective, each year, the NCRB releases updated data showing a rise in atrocity cases against Dalit women. Existing mechanisms for monitoring crimes against Dalit men and Dalit women in India appear to be demonstrably ineffective. From the lower levels of government administration, judiciary, and police to higher-level officials and judges, pervasive prejudices against Dalits persist, rendering any expectation of meaningful change futile.
30. The National Crime Records Bureau (NCRB) data consistently reports rising case numbers, suggesting a disconnect between monitoring and addressing caste-based violence. The number of rape cases against Scheduled Caste (SC) women increased from 3,486 cases in 2019 to 4,221 cases in 2022, marking an increase of approximately 21.1%.<sup>41</sup>
31. Additionally, incidents of assault on SC women increased by approximately 18.5% in 2022.
32. Cases of "insulting the modesty" of SC women increased from 143 cases in 2019 to 226 cases in 2020, showing a rise of approximately 58%.<sup>42</sup>
33. SC women are also vulnerable to specific forms of violence. In 2023, an ongoing survey conducted by Mission Vijaya Vanite, Karnataka identified 71 Devadasi women aged 18 to 36. Most of these women belong to the Scheduled Caste, predominantly from the Madiga community.<sup>43</sup>
34. NLSIU study found<sup>44</sup> all 62 Devadasis who participated in the study were from SCs. Out of the 62 Devadasis, only 2 approached the police although as many as 87% of the women faced sexual exploitation and 95% were trafficked and only 80.5 % were aware of one or the other scheme, only 4% were availing benefits. TISS Study<sup>45</sup> conducted a study in 2018 in Bellary and Siruguppa found 30 dedicated girls who participated were from SC communities.

### **Addressing Caste based violence against Dalit women**

#### *The Committee should recommend to the government:*

**Recommendation 1:** Establish a robust and effective monitoring mechanism to track cases of violence, exploitation, and oppression against Dalit women. This can be achieved by creating a dedicated

<sup>41</sup> National Crime Records Bureau (NCRB) report 2022

<sup>42</sup> [https://ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1653730632\\_CII%202019%20Volume%202.pdf](https://ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1653730632_CII%202019%20Volume%202.pdf)

<sup>43</sup> <https://www.deccanherald.com/india/karnataka/karnataka-40-years-after-ban-devadasis-still-shackled-to-system-2762984>

<sup>44</sup> [https://www.fighttrafficking.org/wp-content/uploads/2019/06/Devadasi-Dedication-Report\\_CCL-NLSIU.pdf](https://www.fighttrafficking.org/wp-content/uploads/2019/06/Devadasi-Dedication-Report_CCL-NLSIU.pdf)

<sup>45</sup> <https://ijlmh.com/paper/devdasi-tradition-in-india-a-critical-socio-legal-perspective/#>



database and conducting regular reviews of the data to identify trends and patterns. The mechanism should be designed to ensure prompt and effective responses to reported incidents.

**Recommendation 2:** Implement programs to address the pervasive prejudices against Dalits, including awareness campaigns, training for law enforcement officials, and education initiatives. This can help reduce the likelihood of bias and ensure that Dalit women receive fair treatment in the justice system.

**Recommendation 3:** Allocate additional resources to support services for Dalit women, including counseling, legal aid, and healthcare services. This can help provide them with the necessary support to recover from traumatic experiences and rebuild their lives.

**Recommendation 4:** Provide specialized training to police officers on issues related to caste-based violence and Dalit women's rights. This can help ensure that they are better equipped to respond to incidents of violence and provide appropriate support to victims.

**Recommendation 5:** Launch initiatives to promote education and empowerment among Dalit women, including skills training, vocational education, and economic empowerment programs. This can help them gain greater control over their lives and improve their overall well-being.

**Recommendation 6:** Encourage community engagement and participation in addressing caste-based violence against Dalit women. This can involve community outreach programs, public awareness campaigns, and collaborations with local organizations and advocacy groups. By engaging with the community, we can work together to create a more just and equitable society.

**Recommendation 7:** The National Crime Records Bureau (NCRB) should collect and analyze data on all forms of violence against Dalit women and minor girls, including physical, emotional, and economic abuse. This will help policymakers, researchers, and practitioners develop targeted interventions to address these issues.

**Recommendation 8:** Implement Preventive Measures to Ensure the Safety of Dalit Women and Children from Gender and Caste-Based Violence such as establishing support services, including counseling centers, legal aid services, and shelter homes, specifically for Dalit women and children who have experienced violence. Provide economic empowerment programs for Dalit women to reduce their dependence on others and increase their ability to resist gender and caste-based violence.

## Right to Liberty and protection from inhuman treatment; addressing slavery, forced labor, torture, cruelty and servitude (Article 7, 8, 9):

### Practice of "Devadasi System":

35. The perceived lack of impartiality within National Human Rights Institutions and government bodies, coupled with documented instances of police failing to register First Information Reports (FIRs) for victims, raises concerns about the accessibility and effectiveness of human rights protections in India. The Dalit community often faces degrading treatment, and the ancient religious practice of *Devdasi*<sup>46</sup>, which is still observed in some parts of India, exemplifies this. Dalit girls are often selected for the practice of *devadasi*, or marriage to temple deities. As part of *devadasi*, these girls must serve in the temple and perform sexual services for temple workers, in such a way that a Marathi proverb goes, "*Devadasi devachi bayako, sarya gavachi*," which translates as "*servant of God, but the bride of the whole town*." *Devdasis* have been facing the sexual violence under the banner servant of the god, they sexually exploited by the dominant caste individuals. Despite government claims that the *Devdasi* system no longer exists, this tradition persists in India. It is not

<sup>46</sup> The Devadasi system that is Hindu religious ritual offers prepubescent females to gods for marriage. When Devdasis reach adolescence, they are ceremonially compelled to perform sexual duty as servants decreed by the deities. Dalit girls are often selected for the practice of *devadasi*, or marriage to temple deities.

connected to worship but is instead a caste-based atrocity against the Dalit community, exploiting Dalit women for sexual *purposes*. They were forced into this practice in the name of religion and God, they were made to believe that it is a form of Service to the almighty. In the present times these women have lost their auspicious and sacred status and are forced to live marginalized lives. Their problems are given negligible recognition and require strict enforcement of their social and political rights. When Devadasis reach adolescence, they are ceremonially compelled to perform sexual duty as servants decreed by the deities. Their virginity is sold, and if they are compensated at all, it is a pittance.

36. Official statistics indicate that 45,000 children in Karnataka are born to Devdasi women.<sup>47</sup> An ongoing survey by Mission Vijaya Vanite, a help desk set up by the Vijayanagara district administration for the Devadasis, has listed 71 Devadasi women in the age group of 18 to 36. Most of them belong to the Scheduled Caste, mainly Madiga community.<sup>48</sup> The Devadasi tradition is a form of slavery imposed by dominant caste groups on the Dalit community.

### **Strict enforcement of mechanisms to prevent the practice of Devadasi System**

*The Committee should recommend to the government:*

**Recommendation 1:** Amend existing laws to specifically prohibit the practice of Devadasi and ensure that it is recognized as a form of human trafficking and exploitation. Implement strict enforcement mechanisms to prevent the practice from continuing, including monitoring and reporting requirements for government agencies and community organizations.

**Recommendation 2:** Establish a dedicated support system for survivors of Devadasi, including counseling, medical care, education, and economic empowerment programs. This can help survivors rebuild their lives and regain their dignity and autonomy. The support system should be designed to address the specific needs and challenges faced by survivors, including trauma and stigma.

**Recommendation 3:** Launch comprehensive education and awareness campaigns to raise awareness about the harm and exploitation caused by the Devadasi practice. The campaigns should target both the Dalit community and the general public, highlighting the need to protect the rights and dignity of all individuals, regardless of their caste or social status. Additionally, educate children and young people about the importance of gender equality, consent, and the dangers of child marriage and exploitation.

*Manual Scavenging:*

37. Another form, manual scavenging, is a degrading forced labor similarly imposed on Dalits for thousands of years. Throughout Hindu, Muslim, and British rule, the manual scavenging was exploited for rulers' gain, with no efforts made to eradicate these practices, which continue in India today. Manual scavenging as an occupational practice which got institutionalized in municipalities during British rule when public toilets were built and people were employed to remove human excreta.<sup>49</sup>
38. In an annexure attached by the Union ministry in the official reply, it was mentioned that out of the 766 districts in the country, 530 districts have reported themselves as manual scavenging free. Also, according to the ministry, a total of 58,098 manual scavengers were officially counted in the country in a survey conducted in 2018.<sup>50</sup>

<sup>47</sup> Indiatimes, Explained: Who Are Devadasis, Their History And Current Status, Zoya Hussain, 18 December 2022, <https://www.indiatimes.com/explainers/news/who-are-devadasis-their-history-and-current-status-587888.html>

<sup>48</sup> Deccan Herald, 40 years after ban, Devadasis still shackled to system, Anitha Pailoor, 9 November 2023, <https://www.deccanherald.com/india/karnataka/karnataka-40-years-after-ban-devadasis-still-shackled-to-system-2762984>

<sup>49</sup> Kumbhare, S. et al. (2020) Yet so far Implementation review of the prohibition of employment as manual scavengers and their rehabilitation Act 2013. Centre for Equity Studies.

<sup>50</sup> Gaonconnection, Monsoon Session: No Credible District-wise Data on Manual Scavenging — Centre tells Rajya Sabha, Laraib Fatima Warsi, 27.07.23,

39. The extent of caste discrimination particularly for the manual scavengers is often down played and denied by the political leaders and authorities. To eradicate manual scavenging, the Government of India implemented the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act of 2013. However, the lack of implementation of this act has made the lives of manual scavengers more miserable and vulnerable, as the government does not recognize them as manual scavengers after the enactment of this legislation. *The survey and identification of manual scavengers is one of the (if not the most crucial aspect of the) Act. Any of the subsequent rehabilitative efforts can only even be possible if one is at the least correctly identified following the due process in both letter and spirit. But our field experience and the data we procured give a dismal picture that does not instill any confidence about the process of identification.*<sup>51</sup>
40. Dalit women face the highest brunt of the patriarchal structures of our society. The severe discrimination they face from being both a Dalit and a woman, make them a key target of violence and systematically deny them choices and freedoms in all spheres of life. This endemic intersection of gender-and-caste discrimination is the outcome of severely imbalanced social, economic and political power equations. This is especially true of women engaged in manual scavenging work. Whereas men of the same caste are more likely to be found working on railway tracks, cleaning sewage and septic tanks, women are more likely to clean household waste like open pits.<sup>52</sup>
41. According to the data provided by the minister, 76 deaths occurred while cleaning septic tanks and sewers in 2018, 133 in 2019, 35 in 2020, 66 in 2021, 84 in 2022 and 49 in 2023.<sup>53</sup> Multiple studies and reports have indicated that the increasing number of manual scavengers in India is not being addressed with practical solutions by the government. Instead, the government is reducing the budget allocated for the eradication/rehabilitation of manual scavenging/manual scavengers.<sup>54</sup>

### **Addressing the inhuman practice of Manual Scavenging**

#### ***The Committee should recommend to the government:***

**Recommendation 1:** Strengthen the identification and rehabilitation processes for manual scavengers by implementing a robust and transparent system. This can include conducting regular surveys and assessments, and providing training and support to local authorities to ensure effective implementation of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act of 2013. Additionally, provide resources and funding to support the rehabilitation and reintegration of manual scavengers into society.

**Recommendation 2:** Increase the budget allocation for the eradication and rehabilitation of manual scavenging/manual scavengers. Additionally, provide support services such as medical care, counseling, and education to help manual scavengers recover from the physical and psychological trauma they have experienced. These services should be tailored to address the specific needs and challenges faced by manual scavengers, including stigma, social exclusion, and limited access to healthcare and education.

**Recommendation 3:** Launch public awareness campaigns to educate the general public about the harm and exploitation caused by manual scavenging. This can include highlighting the risks and dangers associated with this practice, as well as promoting the importance of dignity, equality, and human rights.

<https://www.gaoconnection.com/lead-stories/manual-scavenging-scavengers-deaths-bezwada-wilson-monsoon-session-swacch-bharat-abhiyan-52414>

<sup>51</sup> Kumbhare, S. et al. (2020) Yet so far Implementation review of the prohibition of employment as manual scavengers and their rehabilitation Act 2013. Centre for Equity Studies.

<sup>52</sup> Ibid

<sup>53</sup> Deccan Herald, Over 400 manual scavengers died in last five years: Centre, PTI, 5.12.23, <https://www.deccanherald.com/india/over-400-manual-scavengers-died-in-last-five-years-centre-2798042>

<sup>54</sup> <https://pib.gov.in/PressReleaseDetailm.aspx?PRID=1945069> Accessed on 25.05.2024

### Child Labour:

42. According to the UN's Special Rapporteur Tomoya Obokata, child labour, caste and poverty are closely linked in India. "In India, child labour, caste-based discrimination and poverty are closely interlinked," the Special Rapporteur says in his report on 'Contemporary forms of slavery affecting persons belonging to ethnic, religious and linguistic minority communities'. The report also notes that systematic discrimination has profound implications for the ability of affected individuals and communities to live a life of dignity and enjoy human rights on equal footing with others<sup>55</sup>.
43. In Telangana, a sample survey by the labor department found that between 80-90% of child laborers in the state belong to Scheduled Caste (SC) and Scheduled Tribe (ST) communities. The survey, which covered 10 districts in 56 mandals, identified 9,724 child laborers, most of whom do not attend school.<sup>56</sup>

### **Targeted Interventions to address the root cause of child labour**

#### ***The Committee should recommend to the government:***

**Recommendation 1:** Implement targeted interventions to address the root causes of child labor and caste-based discrimination, particularly in vulnerable communities such as Scheduled Caste (SC) and Scheduled Tribe (ST) communities. This can include providing education and training programs, as well as economic opportunities and support services to help families break the cycle of poverty.

**Recommendation 2:** Strengthen labor laws and enforcement mechanisms to protect children from exploitation and ensure that they are not forced to work in hazardous conditions. This can include increasing penalties for employers who violate child labor laws, as well as providing training and support to labor inspectors to ensure effective enforcement.

**Recommendation 3:** Launch public awareness campaigns to educate the general public about the harm and exploitation caused by child labor and caste-based discrimination. This can include highlighting the importance of education, equality, and human rights, as well as promoting the benefits of a child's education and the negative consequences of child labor. Additionally, educate children and young people about their rights and the importance of protecting themselves from exploitation.

### Discrimination and overrepresentation of Dalits in Jails:

44. Data from a 2021 report on Indian prisoners reveals a concerning trend. Scheduled Castes (SCs), which make up 16.6% of the population according to the 2011 census, are significantly overrepresented in the prison system. At the end of 2021, they comprised 22.8% of undertrials and 21.7% of convicts. Similarly, Scheduled Tribes (STs), constituting 8.6% of the population, were 10.7% of undertrials and 14.1% of convicts. This disproportionate representation is further highlighted by the increasing number of SC and ST inmates. Compared to 2019, the number of SC undertrials rose from 69,302 to 90,951 in 2022 (P.No. 68, Prisoners Statics India report, 2022), and ST undertrials went from 34,756 to 40,221.<sup>57&58</sup> These statistics suggest that SCs and STs are more likely to be incarcerated than their proportions in the general population.
45. Dalits and Adivasis often face harsh conditions, assigned the most menial and degrading tasks, while prisoners from upper castes receive relatively better treatment and job assignments. This systemic discrimination reflects broader societal biases and reinforces existing inequalities<sup>59</sup>.

<sup>55</sup> <https://globalforumdwd.org/india-dalit-children-go-missing-get-trafficked-or-work-for-a-living/>

<sup>56</sup> <https://thewire.in/rights/child-labourers-telangana-sc-st> (last accessed on May 12, 2024)

<sup>57</sup> <https://ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/psivearwise2022/1701613297PSI2022ason01122023.pdf>

<sup>58</sup> <https://ncrb.gov.in/uploads/nationalcrimerecordsbureau/post/1696316594PSI-2019.pdf>

<sup>59</sup> <https://thewire.in/caste/india-prisons-caste-labour-segregation> (last accessed on May 24, 2024)

## **Targeted Interventions to Address Discrimination in Prisons**

***The Committee should recommend to the government:***

**Recommendation 1:** Develop and implement targeted interventions to address systemic discrimination and biases within the prison system. This can include training programs for prison officials to raise awareness about the issue, as well as measures to promote equal treatment and opportunities for all prisoners, regardless of their caste or tribe.

**Recommendation 2:** Improve prison conditions and services to address the harsh conditions faced by SC and ST prisoners. This can include providing adequate food, clothing, and medical care, as well as ensuring that prisoners have access to education and vocational training programs. Additionally, efforts should be made to reduce overcrowding and ensure that prisoners have adequate space and facilities.

**Recommendation 3:** Increase monitoring and accountability mechanisms to ensure that the prison system is not perpetuating discrimination and biases. This can include regular audits and inspections of prisons, as well as independent monitoring by civil society organizations. Additionally, efforts should be made to ensure that prisoners have a meaningful say in the design and implementation of policies that affect them, through mechanisms such as prisoner councils or advisory committees.

***Police brutality:***

46. In December 2023, a tragic incident occurred in Yerragondapalem, Andhra Pradesh, where a 19-year-old Dalit, Moses, was verbally and physically abused by police officers. The relentless harassment led Moses to self-immolate in front of the police station<sup>60</sup>.
47. A particularly horrifying incident occurred in May 2021 in Chikkamagaluru, Karnataka, where a Dalit man reported that three policemen forced him to drink urine while in custody. The victim detailed the abuse, stating that he was beaten for hours before being humiliated in such an inhuman manner<sup>61</sup>.
48. These incidents underscore the systemic issues of police brutality and discrimination against Dalits and Adivasis in India. Between late 2019 and 2022 in Jharkhand, reports indicated that 23 out of 33 individuals subjected to police atrocities were Adivasis, with the remaining victims including Dalits and other marginalized communities<sup>62</sup>.

## **Addressing police brutality and discrimination against Dalits.**

***The Committee should recommend to the government:***

**Recommendation 1:** Develop and implement comprehensive training and sensitization programs for police officers to raise awareness about the issues of police brutality and discrimination against Dalits. These programs should focus on promoting empathy, understanding, and respect for the rights of marginalized communities, as well as providing guidance on de-escalation techniques and alternative methods for resolving conflicts.

**Recommendation 2:** Strengthen accountability mechanisms and investigations to ensure that police officers are held accountable for their actions. This can include establishing independent oversight bodies to investigate allegations of police brutality, as well as providing victims with access to legal

<sup>60</sup> <https://www.thehindu.com/news/national/andhra-pradesh/dalit-youth-ends-life-in-prakasam-district-due-to-police-torture/article67630925.ece>

<sup>61</sup> <https://www.thehindu.com/news/national/karnataka/dalit-forced-to-drink-urine-sub-inspector-in-judicial-custody/article61423100.ece> (last accessed on May 24, 2024)

<sup>62</sup> <https://theprint.in/india/custodial-deaths-claims-of-torture-how-adviasis-suffer-police-repression-in-jharkhand/888743/> (last accessed on May 24, 2024)

representation and compensation. Additionally, efforts should be made to ensure that police officers are held accountable for their actions through disciplinary measures and criminal prosecution.

**Recommendation 3:** Promote community-led police reform initiatives to empower marginalized communities to take an active role in shaping the policing process. This can include establishing community police committees or advisory boards, which would provide a platform for community members to raise concerns and suggest improvements. Additionally, efforts should be made to increase transparency and accountability by providing regular reports and updates on policing activities and outcomes.

### Right to freedom of expression and assemble peaceably, Freedom of Association, right of individuals against unlawful arrest and detention (Article 9,19,21, 22):

#### *Crushing Dissent: The State's Response to Dalit Activism*

49. Dalit human rights defenders (DHRDs) frequently face false accusations, criminal conspiracy, and physical attacks. G. Christodas Gandhi, a 79-year-old former police officer and Dalit rights activist, exemplifies these challenges as he faces attempted murder charges, widely seen as retaliation for his advocacy efforts.<sup>63</sup>
50. Dalit activists are often branded as "terrorists" or "threats to national security" and face charges under severe laws such as the National Security Act, 1980, and the Terrorism and Anti-Disruptive Activities Act (TADA). Common charges include rioting, wrongful restraint, and attempted murder. Many activists spend significant resources on legal fees and anticipatory bail, with provisions of the Criminal Procedure Code being used to deter their community organizing efforts.<sup>64</sup>
51. On 12th January 2021, Haryana police arrested Naodip Kaur, 23, arrested during peaceful protest in Sonipat, Haryana. She was arrested to urge factory owners to pay workers their due wages.<sup>65</sup>
52. Nitin, an activist of Jagrit Adivasi Dalit Sangathan has been arrested after being implicated in a false case.<sup>66</sup>
53. On 1 January 2018, protests and violence spread across Maharashtra following an attack on a gathering of Dalit persons at Bhima Koregaon. At least one person died and three others were injured. An investigation which began with FIRs lodged against pro-Hindutva leaders then took a baffling turn, with a number of renowned activists being arrested for instigating violence through inflammatory speeches at the event, which is also called Elgar Parishad.<sup>67</sup>
54. The Tata Institute of Social Sciences in Mumbai has suspended Dalit student and PhD scholar Ramadas Prini Sivanadan for two years for participating in protests against the Bharatiya Janata Party government<sup>68</sup>,
55. Dr. Ritu Singh, a former Delhi University (DU) faculty member, was detained by the Delhi police after the 'forceful removal' of protest tents and belongings of protestors, including Ritu Singh and her supporters, from the demonstration site outside the Arts faculty of the Delhi University campus<sup>69</sup>.

<sup>63</sup> <https://article-14.com/post/why-a-79-year-old-former-police-officer-dalit-human-rights-defender-faces-attempted-murder-charges-6535e7652e924> (last accessed on May 24, 2024)

<sup>64</sup> <https://www.hrw.org/reports/1999/india/India994-10.htm> (last accessed on May 24, 2024)

<sup>65</sup> The Caravan, "I was arrested because I raised the voice of other people": Activist Nodeep Kaur. Mandeep Punia, 2.3.2021, <https://caravanmagazine.in/crime/nodeep-kaur-labour-rights-dalit-activist-interview>

<sup>66</sup> Counter Currents, Jagrit Adivasi Dalit Sangathan activist Nitin arrested in Burhanpur, Press Release, 30.8.2023, <https://countercurrents.org/2023/08/jagrit-adviasi-dalit-sangathan-activist-nitin-arrested-in-burhanpur/>

<sup>67</sup> Supreme Court Observer, The Bhima Koregaon Arrests: The Story So Far, Joyston D'Souza, 13.9.2023, <https://www.scoobserver.in/journal/the-bhima-koregaon-arrests-the-story-so-far/>

<sup>68</sup> Scroll, TISS suspended Dalit PhD scholar for protesting Centre's policies, alleges student body, Scroll Staff, 19.04.2024, <https://scroll.in/latest/1066849/tiss-suspended-dalit-phd-scholar-for-protesting-centres-policies-alleges-student-body>

<sup>69</sup> Maktoob media, Delhi Police detains former DU Dalit teacher protesting casteism, ransacks protest site, Ghazala Ahmad, 11.01.2024, <https://maktoobmedia.com/india/delhi-police-detains-former-du-dalit-teacher-protesting-casteism-ransacks-protest-site/>

56. These cases underscore the significant difficulties encountered by Dalit activists in their pursuit of rights advocacy, revealing the deeply entrenched structural discrimination pervasive within societal systems and educational institutions. Many Dalit activists are imprisoned for their struggle against injustice and face death threats, according to Mahima (name changed), an advocate and activist from Maharashtra. She stated, *"I am facing death threats, and the government can imprison me at any time. Although I am not scared, I am concerned about who will protect my innocent Dalit brothers and sisters if I am incarcerated."*<sup>70</sup>

### **Strengthen Legal Protection and Support for DHRDs**

#### ***The Committee should recommend to the government:***

**Recommendation 1:** Strengthen legal protection and support for Dalit Human Rights Defenders (DHRDs) by providing them with access to legal aid, protection from false accusations, and fair trials. This can be achieved by strengthening the existing focal person in the National Human Rights Commission and a dedicated hotline or legal assistance program for DHRDs.

**Recommendation 2:** Promote community-led monitoring and reporting of human rights abuses against DHRDs. This can be achieved by establishing a network of community-based organizations and activists who can monitor and report on human rights violations of DHRDs.

**Recommendation 3:** legislate a law for the protection of Human Rights Defenders and develop a national policy on human rights defenders that recognizes the importance of their work and provides them with necessary protection and support. This policy should include measures to prevent attacks on DHRDs, provide access to legal aid and protection, and ensure fair trials.

#### ***FCRA Restrictions: Suppressing the Voice of Civil Society and Rights Advocacy work:***

57. The Foreign Contributions (Regulation) Act, 2010 (FCRA) has been used to restrict the flow of foreign funding to civil society organizations that engage in rights-based advocacy. UN High Commissioner for Human Rights, Michelle Bachelet, expressed concern that the FCRA was being used to “deter or punish NGOs for human rights reporting and advocacy”<sup>71</sup>.
58. For Dalit rights organizations, the FCRA has been a significant obstacle to their ability to operate effectively and challenge the entrenched social and economic inequalities that they face. The FCRA has been used to reject license renewal applications of organizations that have been questioning the government's policies and actions on issues such as caste-based discrimination, land acquisition, and poverty. This has had a disproportionate impact on Dalit rights organizations, who are already marginalized and vulnerable to violence and intimidation.
59. As Article 2(1) of the ICCPR emphasizes the importance of equal protection of the law, the FCRA's restrictions on foreign funding have only served to further entrench the systemic inequalities that Dalit communities face. The FCRA has been used to silence their voices and undermine their efforts to advocate for their rights and dignity and are now forced to operate in a climate of uncertainty and fear, where their very existence is under threat. The FCRA has been used as a tool to silence dissenting voices<sup>72</sup> and undermine the right to freedom of association, as enshrined in Article 22 of the International Covenant on Civil and Political Rights (ICCPR).

<sup>70</sup> A telephonic conversation

<sup>71</sup> <https://www.ohchr.org/en/press-releases/2020/10/bachelet-dismayed-restrictions-human-rights-ngos-and-arrests-activists-india>

<sup>72</sup> <https://www.aljazeera.com/news/2020/11/13/restrictions-on-funding-of-indian-civil-society>

## **Review FCRA Act to ensure protection of human rights & implement a transparent process for granting FCRA Licenses**

*The Committee should recommend to the government:*

**Recommendation 1:** Review and reform the FCRA to ensure that it is in compliance with international human rights standards, particularly the International Covenant on Civil and Political Rights (ICCPR). This should include revising the FCRA's provisions on foreign funding to ensure that they do not disproportionately affect marginalized communities, such as Dalit rights organizations. The reform should also ensure that NGOs are able to operate freely and without fear of reprisal, and that they are able to access foreign funding to support their human rights work.

**Recommendation 2:** Establish a clear and transparent process for granting FCRA licenses, including a clear set of criteria for evaluating license applications. This would help to ensure that decisions are made in a fair and non-discriminatory manner, and that NGOs are not arbitrarily targeted or punished for their human rights work. The process should also provide for meaningful public consultation and transparency, including the publication of guidelines and criteria for evaluating license applications.

**Recommendation 3:** Take concrete steps to strengthen protection mechanisms for human rights defenders, including those who are critical of government policies and actions. This should include providing adequate protection for defenders who are at risk of violence, intimidation, or other forms of harm, as well as ensuring that they have access to effective remedies and justice mechanisms. The Government should also work to create a culture of respect for human rights defenders, including by promoting a culture of tolerance and understanding, and by recognizing the important role that human rights defenders play in promoting human rights and dignity.

## **Right to equality of opportunity in matters of public employment (Article 25):**

60. Faculty positions for SCs, STs, and OBCs remain unfilled in prestigious HEIs, such as many central universities, IITs, IIMs, NITs, and AIIMS, among others. A reply to an RTI application has revealed that in IIT-Delhi, 14 departments have no faculty from among Scheduled Castes (SC) or Scheduled Tribes (ST), 24 departments lack SC faculty, 15 departments lack ST faculty, and nine departments have no faculty from Other Backward Classes (OBC). This data was obtained through an application filed by Ambedkar Periyar Phule Study Circle (APPSC) of IIT-Bombay on July 29.<sup>73</sup>
61. In response to inquiries raised in the Lok Sabha, the Ministry of Education provided data indicating that central universities and IITs have collectively filled 12,588 vacancies, of which 7,895 constitute faculty positions, including 983 for the SC, 453 for the ST, and 1,614 for the OBC faculty.<sup>74</sup>
62. The Indian Institute of Technology Madras (IIT-Madras) has, in a reply to a query under the Right to Information (RTI) Act, informed that the representation of faculty members belonging to the Scheduled Caste and Scheduled Tribe categories is only 19, which is just above 3% compared to the strength of 577 teachers belonging to the Open Competition (OC) and Other Backward Class (OBC) categories. As on March 31, 2021, IIT-Madras had 515 professors, associate professors and assistant professors belonging to the Open Competition (Unreserved) category, on its rolls.<sup>75</sup>
63. In the central government, representation is similarly disproportionate. Government data from 2019 shows that only one out of 89 secretaries posted at the Centre belongs to the SC community, while three belong to the ST community. Among the 275 joint secretaries, 13 (4.73%) are SCs, nine (3.27%) are STs, and 19 belong to the OBC category. In the judiciary, the Law Ministry's data

<sup>73</sup> <https://timesofindia.indiatimes.com/city/delhi/rti-query-shows-14-iit-d-depts-have-neither-sc-nor-st-faculty/articleshow/103344673.cms>

<sup>74</sup> <https://www.deccanherald.com/opinion/a-failed-attempt-at-denying-backward-groups-their-place-in-indias-universities-2883723>

<sup>75</sup> <https://www.thehindu.com/news/cities/chennai/representation-of-scasts-in-faculty-of-iit-madras-meagre-reveals-rti-query/article66222888.ece>



reveals that of the 650 judges appointed between 2018 and 2023, 492 (75.69%) were from the general category. During the same period, 23 judges were from the SC category (3.54%), 10 from the ST category (1.54%), 76 from the OBC category (11.7%), and 36 from religious minorities (5.54%), accounting for about 22.24% in total. Data regarding 13 judges were unavailable, according to the Ministry<sup>76&77</sup>. 75 Assistant Professor positions and 92 Professor positions remain vacant. noting that 275 Assistant Professor positions and 92 Professor positions remain vacant.

64. Despite the qualifications and experience of SC/ST aspirants, they often face barriers in being inducted as faculty members, even at the initial stages. Some junior resident doctors from SC/ST backgrounds who have worked for years on an ad-hoc basis are not selected for regular positions due to the claim that no suitable candidates were found<sup>78</sup>.

### **Addressing representation in matters of public employment**

***The Committee should recommend to the government:***

**Recommendation 1:** Implement targeted recruitment and hiring practices to increase the representation of SCs, in faculty positions. This can include setting aside a certain number of positions for these categories, providing training and mentorship programs for SC aspirants, and establishing a diversity and inclusion committee to oversee the hiring process.

**Recommendation 2:** Develop a national policy on SC/ST/OBC representation in HEIs that sets specific targets and goals for increasing representation in faculty positions. This policy should include measures to address the barriers faced by SC aspirants, such as providing financial support for education and training, and ensuring equal opportunities for promotion.

**Recommendation 3:** Provide training and capacity building for faculty members from SC backgrounds to equip them with the skills and knowledge needed to succeed in their roles. This can include workshops, conferences, and online courses on topics such as teaching methodologies, research methods, and leadership development.

**Recommendation 4:** Establish a monitoring and evaluation mechanism to track the progress of SC representation in faculty positions and to identify areas for improvement. This can include regular reports, data analysis, and assessments to ensure that the policies and practices in place are effective in increasing representation.

### **Protection of rights of minorities (Article 27):**

65. In addition to physical violence, Dalit Christians face structural violence in the form of denial of affirmative action and the institution of Freedom of Religion laws. Both violate the spirit of Article 25 of the Indian Constitution, which provides that “all persons are equally entitled to freedom of conscience and the right freely to profess, practice, and propagate religion.” This also has resonance International Covenant on Civil and Political Rights (ICCPR) which provides for the “right to freedom of thought, conscience and religion,” which includes the freedom “to adopt a religion or

<sup>76</sup> [https://www.business-standard.com/india-news/75-69-of-judges-appointed-between-2018-and-2023-belong-to-general-category-123120800973\\_1.html](https://www.business-standard.com/india-news/75-69-of-judges-appointed-between-2018-and-2023-belong-to-general-category-123120800973_1.html) (last accessed on 12-05-2024)

<sup>77</sup> <https://www.scobserver.in/wp-content/uploads/2023/11/Ariun-Meghwal-Law-Minister-Reply-on-Representation-of-Weaker-Sections-in-High-Court-Judges-2023.pdf> (last accessed on May 12, 2024)

<sup>78</sup> <https://www.tribuneindia.com/news/delhi/house-panel-flags-low-sc-st-representation-in-aiims-faculty-588271#:~:text=against%2014%20posts,-Even%20in%20the%20last%20selection%20of%202022%2C%20against%2014%20posts,professors%20and%2092%20for%20professors.> (last accessed on May 12, 2024)

belief of his choice, and freedom ... to manifest his religion or belief in worship, observance, practice, and teaching.”

66. The most persistent form of structural violence is the denial of rights and protections afforded to Dalit Christians, who constitute an estimated 70 percent of India’s Christian population. Dalit Christians (as well as Dalit Muslims) are excluded from receiving the benefits of affirmative action from the government in the form of reserved seats in government education and employment.
67. Further, they do not come under the protection of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989, which provides greater protection and access to justice for caste-based discrimination and violence. According to the Constitution (Scheduled Castes) Order, 1950, only Hindus would be considered as Scheduled Castes and could avail of these benefits. However, smaller-sized minorities such as Sikhs and Buddhists were included in 1956 and 1990, respectively. Muslims and Christians are the two major religious minorities who are denied these benefits.
68. This exclusion perpetuates social stigma and economic hardships for Dalit Christians, even after converting to Christianity. Advocacy groups like the Catholic Bishops' Conference of India (CBCI) and the National Council of Churches in India (NCCI) have repeatedly called for their inclusion in the SC category, stressing the need to extend SC benefits to Dalit Christians to address ongoing discrimination.<sup>79&80</sup>
69. Despite making up a significant portion of the Christian population, Dalit Christians are severely underrepresented in leadership roles, with only two Dalit archbishops out of 31 and 11 Dalit bishops out of 215. Dalit pastors report being marginalized and disrespected compared to their higher-caste counterparts. The economic and social barriers that Dalits face remain largely unaddressed, even after conversion, due to limited institutional support and deeply ingrained prejudices. This lack of support and recognition hinders their progress and integration, reinforcing systemic inequalities and perpetuating social exclusion within the church.<sup>81</sup>

### **Strengthen Protection and Justice Mechanisms for Dalit Christians**

**Recommendation 1:** Develop an inclusive affirmative action policy that recognizes the rights and benefits of Dalit Christians. This policy should include measures to address the historical exclusion of these communities and provide targeted support and resources to help them overcome social and economic barriers.

**Recommendation 2:** Strengthen protection and justice mechanisms for Dalit Christians, including the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989, to ensure that they have equal access to justice and protection from caste-based discrimination and violence.

**Recommendation 3:** Promote representation and leadership of Dalit Christians in all sectors, including education, employment, politics, and the church. This can include initiatives such as mentorship programs, training and capacity building, and leadership development opportunities to help Dalit Christians overcome the barriers they face and assume their rightful place in Indian society.

<sup>79</sup> <https://ohrh.law.ox.ac.uk/marginalized-twice-over-the-struggle-of-dalit-christians-in-india/>

<sup>80</sup> <https://www.vaticannews.va/en/church/news/2020-11/india-christians-dalit-liberation-sunday-rights-dignity-discrimi.html>

<sup>81</sup> <https://www.christianitytoday.com/ct/2022/august-web-only/dalit-christians-caste-leadership-discrimination-pastors.html>