

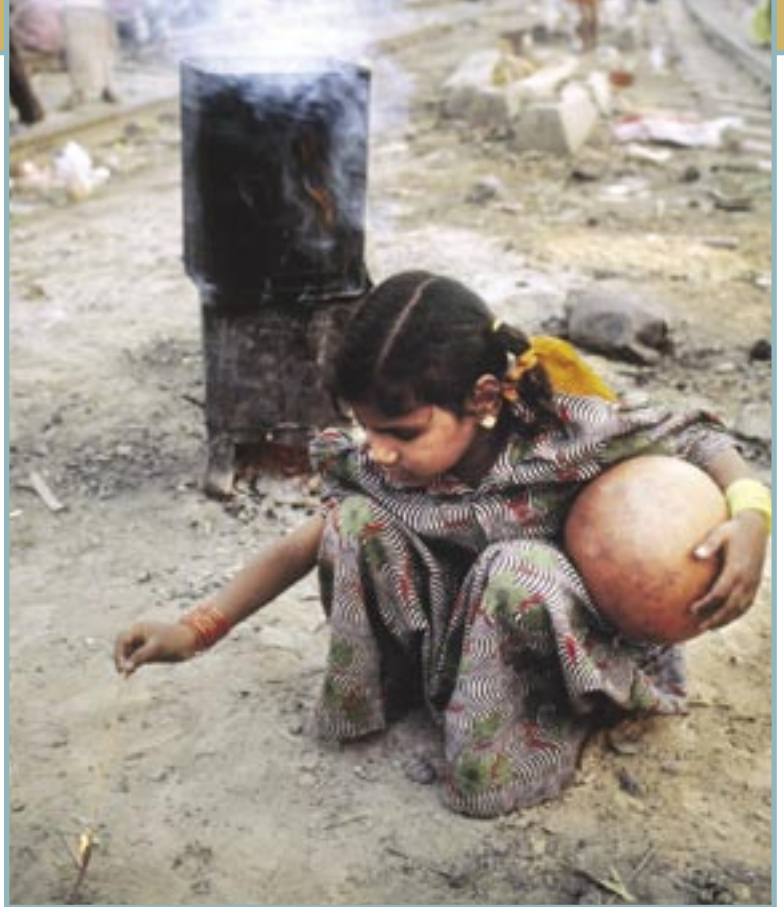
# CAST AN EYE ON THE DALITS OF INDIA

166,635,700 of them



Impoverished and excluded  
Abused and humiliated  
Denied justice  
Exploited  
Untouchable

HOW CAN THIS  
STILL BE GOING ON  
IN THE 21ST CENTURY?



## What is the caste system?

Historically the caste system has formed the social and economic framework for the life of the people in India. In its essential form, caste as the system of social and economic governance is based on principles and customary rules that:

- Involve the division of people into social groups (castes) where assignments of rights are determined by birth, are fixed and hereditary.
- The assignment of basic rights among various castes is unequal and hierarchical, with those at the top enjoying most rights coupled with least duties and those at the bottom performing most duties coupled with no rights.
- The system is maintained through the rigid enforcement of social ostracism (a system of social and economic penalties) in case of any deviations.

Thus the doctrine of inequality is the core and heart of the caste system. Supported by philosophical elements, it constructs the moral, social and legal foundations of Hindu society.

## What is caste-based discrimination?

The UN defines this kind of problem as 'discrimination on the basis of work and descent'. It is an ancient form of oppressive, hierarchical social organisation that ordered people according to their family of birth. It has remained in place despite its legal abolition because of its religious sanction, the social and economic persecution of those who broke caste 'rules' defining the work done and the segregation between castes.

The Brahminical system stated that those born into families not recognised within the major caste categories would be 'untouchable' and could never come into contact with the caste Hindus, lest the dominant groups be physically and spiritually defiled. Far from being a remnant of the past, caste discrimination continues in both its traditional, rural forms of physical and occupational segregation and economic exploitation, in access to land and to criminal justice, in modern Indian schools and universities, in marriage and dining, and in access to the new employment opportunities provided by India's information technology boom.

## Who are the Dalits?

Those who are beneath the entire caste system – and are therefore literally 'outcaste' as well as 'untouchable' – call themselves 'Dalits'. The word "Dalit", meaning "broken" or "ground down", is used by 'outcaste' people themselves to describe at the same time their oppression, their identity and their collective power for emancipation. They are the non-people, the ones that all belonging to the 'varnas' (Brahmins, Kshatriyas, Vysyas and Shudras) can content themselves with being above. The caste system has nevertheless been applied to Dalits to divide them into many sub-castes. The use of the word 'Dalit', encouraged by great Dalit leader Dr. Ambedkar, has enabled the development of a collective identity among all the 'outcaste' people, whatever their sub-caste, ethnicity or religion. The government nevertheless use the term 'Scheduled Castes' for Dalits.

Does caste discrimination still exist in India?

- To this day, those from higher castes will not marry Dalits
- To this day, Dalits are the only ones who do the occupations considered degrading in Indian society, such as cleaning human waste, giving news of death and working with leather.
- To this day, most caste Hindus refuse to eat or drink with Dalits.
- To this day, Dalits showing signs of economic or social mobility or emancipation are cut down to size by the dominant castes via shocking acts of violence and humiliation known officially in India as 'atrocities'. The vast majority of perpetrators of these acts enjoy impunity.

### What about the law?

Many laws, as well as the Constitution itself, have been introduced in India banning caste discrimination, untouchability and their manifestations. Special legislation exists to counter manual scavenging (manual cleaning of human faeces), bonded labour and even 'atrocities' (see below). Special Commissions have been set up to monitor progress in eradicating caste discrimination. Affirmative action measures have been introduced and have to some extent enabled access for some Dalits in public sector employment and higher education.

The problem is not the law, but its implementation. At all levels, there is a lack of political will to ensure that the laws are applied on the ground. Untouchability, bonded labour, poverty, manual scavenging, segregation, landlessness and violence are the everyday reality, whatever the laws and special measures are.

### Dalit Women

Gender biases reinforce the impact of caste discrimination, and Dalit women face double discrimination in all spheres of life. They are more affected by poverty, and a majority of them experience physical or sexual violence from dominant castes, often used intentionally to sustain the oppression of the Dalit community.



DESPITE THE FACT THAT “UNTOUCHABILITY” WAS ABOLISHED UNDER INDIA’S CONSTITUTION IN 1950, THE PRACTICE OF “UNTOUCHABILITY” – THE IMPOSITION OF SOCIAL DISABILITIES ON PERSONS BY REASON OF THEIR BIRTH IN CERTAIN CASTES – REMAINS VERY MUCH A PART OF RURAL INDIA. “UNTOUCHABLES” MAY NOT CROSS THE LINE DIVIDING THEIR PART OF THE VILLAGE FROM THAT OCCUPIED BY HIGHER CASTES. THEY MAY NOT USE THE SAME WELLS, VISIT THE SAME TEMPLES, DRINK FROM THE SAME CUPS IN TEA STALLS, OR LAY CLAIM TO LAND THAT IS LEGALLY THEIRS. DALIT CHILDREN ARE FREQUENTLY MADE TO SIT IN THE BACK OF CLASSROOMS, AND COMMUNITIES AS A WHOLE ARE MADE TO PERFORM DEGRADING RITUALS IN THE NAME OF CASTE.

HUMAN RIGHTS WATCH

## Where can one see untouchability?

A 2006 study on untouchability rural in India covering 565 villages in 11 States has revealed the extent to which Untouchability – officially banned under the 1950 Constitution – continues to be the daily reality for millions of Indians.

### ...IN GOVERNMENT SERVICES

Despite being charged with a constitutional mandate to promote social justice, various local institutions of the Indian State clearly tolerate and even facilitate the practice of untouchability

**37.8%** of the villages: Dalits made to sit separately in government **schools**

**27.6%** of the villages: of Dalits: prevented from entering **police stations**

**25.7%** of the villages: of Dalits: prevented from entering **ration shops**

**33%** of the villages: public **health workers** refuse to visit Dalit homes

**23.5%** of the Dalit villages: don't get **mail** delivered to their homes

**14.4%** of the Dalit villages: Dalits not permitted to enter the 'panchayat' **Local Government** building

**12%** of the Dalit villages: Dalits denied access to or forced to form separate lines at **polling booths**

**48.4%** of the Dalit villages: denied access to **water sources**

### ...IN MARKET ACCESS

**35%** of villages surveyed: Dalits barred from **selling produce** in local markets

**47%** of villages with **milk cooperatives** prevent Dalits from selling milk, and 25% prevent Dalits from buying milk

### ...IN WORK

**25%** of villages: Dalits paid **lower wages** than non-Dalits, work longer hours, have more delayed wages and suffer more verbal and physical abuse

**37%** of villages: Dalit workers **paid wages from a distance** to avoid physical contact

### ...IN RELIGION AND RITES

**64%** of Dalits: restricted from entering Hindu **temples**

Almost **50%** of villages: Dalits prevented from accessing **cremation grounds**

### ...IN THE PRIVATE SPHERE

**73%** of villages: Dalits not permitted to **enter non-Dalit homes**

**70%** of villages: Dalits and non-Dalits **cannot eat together**

**35.8%** of Dalits: denied entry into **village shops**



## Atrocities against Dalits

Atrocities are an official category of crime in India defined by The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Act defines atrocities as crimes such as:

- forcing Dalits to eat obnoxious substances
- dumping excreta or carcasses in Dalit premises
- assaulting a Dalit women with intent to dishonour or outrage her modesty
- using a position of dominance to sexually exploit a Dalit woman
- parading Dalits naked or with painted face or body
- forcing Dalits to do forced or bonded labour
- dispossessing Dalits of their land and forcing Dalits from their homes
- preventing Dalits from voting
- corrupting or fouling a Dalit water source
- publicly humiliating Dalits
- using fire or explosives to damage Dalit property
- fabricating evidence in order to convict innocent Dalits

## Crimes against Dalits

According to official Indian crime statistics, averaged over the period 2001-2005:

**27 atrocities** against Dalits every day

**13 Dalits murdered** every week

**5 Dalits' homes** or possessions **burnt** every week

**6 Dalits kidnapped** or abducted every week

**3 Dalit women raped** every day

**11 Dalits beaten** every day

A crime committed against a Dalit **every 18 minutes**



# IMPUNITY



DESPITE ELABORATE PROVISIONS IN THE CONSTITUTION AND OTHER LAWS, IT IS AN UNFORTUNATE REALITY THAT SOCIAL INJUSTICE AND EXPLOITATION OF SCHEDULED CASTES AND SCHEDULED TRIBES AND OTHER WEAKER SECTIONS PERSIST. THERE ARE REPORTS IN THE PRESS ABOUT ATROCITIES AGAINST PERSONS BELONGING TO THESE GROUPS AND THE FREQUENCY WITH WHICH THEY OCCUR IS A CAUSE FOR DISQUIET. THE HUMILIATION WHICH PERSONS BELONGING TO THE SCHEDULED CASTES IN GENERAL AND THE DALITS IN PARTICULAR SUFFER EVEN TODAY, MORE THAN HALF A CENTURY AFTER INDIA PROCLAIMED ITSELF TO BE A REPUBLIC, IS A MATTER OF SHAME.

JUSTICE AS ANAND,  
NHRC CHAIRPERSON,  
FOREWORD TO ATROCITIES REPORT 2004

THE PROBLEM STARTS WITH REGISTRATION OF THE CASE ITSELF. POLICE RESORT TO VARIOUS MACHINATIONS TO DISCOURAGE SCHEDULED CASTES/SCHEDULED TRIBES FROM REGISTERING CASE, TO DILUTE THE SERIOUSNESS OF THE VIOLENCE, TO SHIELD THE ACCUSED PERSONS FROM ARREST AND PROSECUTION AND, IN SOME CASES, THE POLICE THEMSELVES INFLECT VIOLENCE... USUALLY WHERE ATROCITIES GET A LOT OF PUBLICITY, THE LOCAL OFFICIALS PROMPTLY PROVIDE COMPENSATION AND RELIEF TO THE SCHEDULED CASTES VICTIMS TO TIDE OVER THE PUBLIC CONCERN. BUT THEIR RESPONSE TO OTHER INCIDENTS OF VIOLENCE IS CHARACTERIZED BY APATHY, NEGLIGENCE AND PASSIVITY.

NATIONAL HUMAN RIGHTS COMMISSION OF INDIA

How can there be impunity when the laws are there?

**7,099** or 18.70% of crimes against Dalits were pending with police at the end of 2002. The number of cases pending with the Courts was at the same time **126,009** or 77.69% of all cases brought to court.

It appears that **only 21.72%** of the total cases were disposed of during the year. Out of the disposed cases, **2.31% ended up in conviction.**

INDIAN MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

That was in 2002. By 2005, Indian police statistics show that things had worsened:

**23.9%** of crimes against Dalits were 'pending investigation' by the police at the end of 2005

**80.2%** of crimes against Dalits were 'pending trial' by the courts at the end of 2005.

## Dalits and poverty

If you are a Dalit in India...

- you can expect to have 4 years less to live than others.
- you can expect more than half of your children to suffer from under-nutrition.
- one third of the women in your community will be anaemic.
- for every 100 Dalit children born in your community, 12 would already be dead before they reached their fifth birthday.
- only 1 out of every 5 children in your community would not drop out of school, and only about half would even become literate despite that fact that around 2/3 of Indians are literate. You would have less than 1 in 600 chance of gaining a postgraduate diploma (if you are a women, make that 1 in 1,200).
- you have an unemployment rate of 5% compared to 3.5% for others, you are half as likely to have fixed capital assets and four times as likely to become a bonded labourer, joining the estimated 24.4 million other Dalit bonded labourers.
- one in every three in your community will be poor while the 'touchable' communities will have a 4 in 5 chance of escaping poverty.

### Disparity still increasing

Government policy is supposed to not only reduce Dalit poverty, but also to reduce the staggering gap between Dalits and non-Dalits. This policy is failing. While poverty generally is reducing in India, the main beneficiaries are non-Dalits. The Indian Institute of Indian Studies has shown that in both cities and rural areas, the gap between Dalits and non-Dalits has been increasing since at least the early 1990s. The increasing gap between the untouchable castes and the dominant castes is more than just number-crunching: it also represents an increase in the relative power of dominant castes to exploit the Dalits in neighbouring villages.

### Dalits and slums

Caste discrimination is often thought of as a purely rural phenomenon, but official slum data alone show that this is not the case. 79.8% of Dalits live in rural India. Their over-representation in rural India means that they only account for 11.78% of India's urban population. However, they are highly over-represented in the 'official' slums of Indian cities, where they make up 17.4% of the population, or 7.4 million Dalits. Since Dalits are not highly present in the recognised slums of Mumbai, if we look at some of the major cities of India we see even greater disproportions in the number of Dalits living in slums with almost one third of slum dwellers in Chennai, Delhi and Bangalore being Dalits.



## Special Dalit occupations...

### Manual Scavenging

According to government statistics, an estimated one million Dalits are manual scavengers who clear faeces from public and private latrines and dispose of dead animals; unofficial estimates are much higher. An activist working with scavengers in the state of Andhra Pradesh claimed, "In one toilet there can be as many as 400 seats which all have to be manually cleaned. This is the lowest occupation in the world, and it is done by the community that occupies the lowest status in the caste system.

HUMAN RIGHTS WATCH

### Temple Prostitution

In India's southern states, thousands of girls are forced into prostitution before reaching the age of puberty. Joghinis, literally meaning "female servant of god," usually belong to the Dalit community. Once dedicated, the girl is unable to marry, forced to become a prostitute for upper-caste community members, and eventually auctioned off to an urban brothel.

HUMAN RIGHTS WATCH



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