

JOINT STAKEHOLDERS REPORT ON CASTE BASED DISCRIMINATION IN INDIA

Introduction:

National Campaign on Dalit Human Rights (NCDHR)¹ and National Coalition for Strengthening PoA Act (NCSPA)² provide below information on the implementation of the recommendations given during IIIrd UPR. This submission³ sets out some of key concerns about violations of Universal Principles of Human Rights vis-à-vis fundamentals rights enshrined in the Constitution of India with regard to one of the most vulnerable communities i.e, Dalits, which are officially termed as “Scheduled Castes (SCs)”⁴. In 2017, 112 member states made a total of 250 recommendations of which the Indian government accepted 152. Out of these 15 recommendations were specific to the promotion and protection of rights of the rights of SCs. 11 recommendations were accepted and 4 recommendations were noted by the government of India. The present Dalit Stakeholders Report has been prepared following a National Level Consultation held on 14.02.2022, having more than 200 local, state-level and national Dalit organizations and platforms and other like-minded NGOs and activists. The present report has been prepared under the auspices of National Campaign on Dalit human Rights and its movements (a) All India Dalit Mahila Adhikar Manch (b) Dalit Ardhik Adhikar Andolan (c) National Dalit Movement for Justice, jointly with two coalitions initiated by NCDHR namely (a) National Coalition for Strengthening PoA Act and (b) National Coalition on SCP/TsP legislation.

1. Access to justice and Implementation of protective laws

1.1 National Legal Standards:

Dalits have long been targets of entrenched and acute discrimination and violence, requiring a special law to offer them increased protection. The SCs and STs (Prevention of Atrocities) Act (PoA Act), 1989⁵ seeks to provide such protection, in addition to the safeguards available under the Constitution (Article 21, 17 and 46), the IPC and the Protection of Civil Rights Act, 1955. The PoA Act aims at preventing and protecting SCs/STs from atrocities committed against them. It provides for special courts/special prosecutors for the speedy trial of such offences as well as for the relief and rehabilitation of the victims. The PoA Act 1989 has been further strengthened through amendments in 2016, including the restoration of former provisions as part of Section 18A.⁶ The other laws which provides protection are: Bonded Labour System (Abolition) Act, 1976 and Child Labour (Prohibition and Regulation) Act, 1986. India has taken action to establish Special Courts and *Anusuchit Jati/Janjati Kalyan (AJK) thanas*⁷ aimed at streamlining access to justice for the Dalit and Adivasi victims of atrocities. India has signed the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. A Bill introduced in the Parliament was passed in the Lok Sabha in 2010 and is under examination by the Government.⁸

1.2 Issues and impacts:

1.2.1 Raising caste-based violence: The number of reported atrocity cases under SC/ST (PoA) Act increased from 42969 crimes in 2017 to 50268 crimes in 2020⁹ witnessing an increase by 16.98%. Over the period of 10 years (Crime in India, 2009-2018) data reveals that 32.5 % crimes against SCs across India were not registered under the provisions of (PoA) Act 1989.¹⁰ Conviction percentage under the SC/ST (PoA) Act remained at an average of 34.68% and average acquittal remained at 65.32 % over these four years. The National Crime Records Bureau has recorded 1,31,430 incidents of crime against Dalit men and women (total) under the SC/ST (PoA) Act from 2017 to 2019. Among this, crimes against women and children

(minor girls) constitute 15.73% (20,675 incidents). This includes the offenses of rape, attempt to rape, and assault on women to outrage the modesty, insult to modesty and kidnapping and abduction to compel her to marriage.¹¹

1.2.2 Modern Slavery and Forced Labour: Multiple studies have found that Dalits in India have a significantly increased risk of slipping into modern slavery including forced and bonded labour and child labour. In Tamil Nadu, the majority of the textile and garment workforce is women and children. Almost 60% of the Sumangali workers¹² belong to the SCs. Among them, women workers are about 65% mostly unskilled workers.¹³ There are various indications that girls under the age of 14 are recruited to work in the factories. Following abuses came to light: Withholding wages and paying below minimum wage levels. Daily wages generally start at around 60 Rupees (€0.88) per day during the first six months, with a gradual increase of 10 rupees every six months, up to a maximum of Rs. 110 on average. Costs for food and boarding, approximately 15 Rupees a day, are deducted from the daily wages.¹⁴ Nearly all Dalit girl children are forced to work and face verbal and physical abuse¹⁵ & ¹⁶ There is widespread¹⁷ slavery in India's brick making industry and documents most of them are traditionally excluded castes.

1.2.3 Torture or Cruel, Inhuman or Degrading Treatment or Punishment & Arbitrary Arrest/Detention: The police subject entire Dalit who are particularly from de-notified communities to violent search and seizure operations.¹⁸ Dalits are often subjected to falsified charges¹⁹, and physical abuse and torture following arrest. Often illegally detained and held in custody for long periods of time, subjected to caste based verbal abuse and humiliation, severe beatings²⁰ and inhuman torture²¹, forced bribery for their release²², sexual abuses²³ & ²⁴, and demeaning acts. Children are arrested on falsified charges and tortured²⁵. Custodial torture and killing of Dalits²⁶, by the police are condoned, or at best ignored. Exclusion of Dalit's is painfully evident in matters of serving hygienic food, beddings, wages, medical attention, restrictions on visiting time, while they are inside the prisons as undertrials.²⁷ An independent report by a committee²⁸ constituted by NCSC²⁹ based on the rising number of complaints by the Kuruvan community³⁰ on Police atrocities found that the community is subjected to physical torture on falsified charges and kept under illegal detention and they undergone inhuman treatment to extract "false confession statements" regarding crimes, which they had not committed.

1.2.4 Disproportionate number of Undertrials are Dalit's: As per Prison Statistics India 2020³¹, Dalits made up 20.9 % both among the undertrials and convicts, despite comprising just 16.6 % of India's demographics. The profile of individuals whose death sentences have been confirmed shows that a disproportionate section come from Dalit community and religious minority families. According to the Death Penalty India Report NLS³², the proportion of SCs/STs amongst all prisoners sentenced to death in India was 24.5%. Of the SCs/STs prisoners, 85.4% were also economically vulnerable. The proportion of SCs/STs rose to 27.5% in the category of Supreme Court pending cases from 20.7% at the High Court pending stage. The proportion of SC/STs further increased to 42% at the mercy stage.

1.2.5 Protection of rights of minorities: Though Dalit Christians (Dalit Muslims) face the same caste-based discrimination and disability in all domains of their faith, they are denied 'protection' of the SC status by the discriminative Presidential Order 150 para 3 which prevents the Affirmative Action privileges. As such, Dalit Christians are not eligible to avail the benefits from protective constitutional and legislative mechanisms and also the affirmative action priv-

ileges that are in place for SCs to empower them in the field of education, employment, economic advancement and electoral domains. This is violative of article 14 and 15, and 25-30 of the Indian Constitution.

1.3 Challenges in implementation:

- 1.3.1** As on 2020-21³³ only 170 Exclusive Courts have been set up for hearing cases registered under the (PoA) Act across the country. Special Courts are unable to dispose of cases within 60 days as mandated.³⁴ Only 312 cases have been disposed off with in 60 days from 6 states.³⁵ Special Public Prosecutors are overburdened with atrocity cases and their number is not adequate enough to efficiently handle the cases entrusted to them.³⁶ Only 10 of the 35 States/UTs have identified atrocity prone districts.³⁷ The mandated State Level³⁸ and District Level³⁹ Vigilance and Monitoring Committee meetings are not being held by most states.
- 1.3.2** The implementation of the Rehabilitation of Bonded Labour Scheme 2016 remains ineffective at the grassroot level.⁴⁰
- 1.3.3** Judicial delay in responding to the writ petition filed in 2004 before apex court, challenging the Presidential (Scheduled Castes) Order 1950.⁴¹
- 1.3.4** Caste prejudices, over-policing of marginalized communities, poverty, the high cost and poor quality of legal aid, are important social factors behind the significant presence of Dalits in jails.

1.4 Recommendations

- 1.4.1** Take immediate action to ensure establishment of Exclusive Special Courts in every district of India within a year. Ensure appointment of Special Public Prosecutors of victim's choice under Rule 4(5) to respond to crimes under the PoA Act.
- 1.4.2** Ensure setting up and regularizing mandatory State and District Vigilance Monitoring Committee' meetings for the effective implementation of the PoA Act with in a year.
- 1.4.3** As the Dalit Christians are still subjected to caste discrimination and violence based on their untouchable caste status, ensure protection through amending the definition of "Scheduled Castes" under PoA Act to include Dalit Christians.

2. Protection of Dalit Human Rights Defenders:

2.1 National Legal Standards:

India's National Human Rights Commission has established *Focal Point for Human Rights Defenders* aimed at providing 24-hour crisis support. India voted in favor of HRC 31/32 (2016), on human rights defenders and ESCR. However, internally, the Indian State has not ratified "UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms".

2.2 Issues and impacts:

- 2.2.1** In India, HRDs advocating against caste-based discrimination and violence against SCs and STs are at ongoing risk of attack⁴² for defending the rights of SCs and STs communities. HRDs are often charged of abetment, criminal conspiracy, promoting enmity between religious groups, imputations prejudicial to national interests⁴³, false charges of offence⁴⁴ & ⁴⁵, criminal intimidation under the IPC.⁴⁶ They face diverse range of harassment from state and non-state actors based on their caste alike, killing, physical assault ⁴⁷ & ⁴⁸ arbitrary detention.⁴⁹ They are increasingly the targets of online hate campaigns.⁵⁰ Women from the SCs and STs

community are also facing a challenge of Caste based discrimination.⁵¹ A total of 73 complaints in 2017-18, a total of 89 in 2018-19, a total of 105 in 2019-20 and 39 in 2020-21 complaints were registered with NHRC.⁵² Uttar Pradesh has accounted for the highest number of complaints during the period 2017-20 (till 31 August 2020) with a total of 52 such complaints. It ought to be noted that the number of complaints from U.P has increased year on year with 3, 15 & 26 in 2017-18, 2018-19 & 2019-20 respectively. After Uttar Pradesh, highest number of complaints were received from Tamil Nadu (33 complaints) during this period, followed by Odisha with 26 complaints.

2.3 Challenges in the implementation:

- 2.3.1** India has not enacted any specific legislation to recognize and protect the Rights of HRDs.
- 2.3.2** A review of the various cases related to defenders disposed by NHRC shows that the directions are more in the nature of closure of the cases in the instances where the cases are false. Monetary compensation is generally recommended in case of death or severe injury to the activists.⁵³ However, in relation to other cases like unlawful detention, false cases, arrests etc, there is not much evidence of any monetary compensation recommended by the NHRC.⁵⁴
- 2.3.3** The amended FCRA Act in 2020 has had a “detrimental impact on the right to freedom of association and expression of human rights NGOs”. The new amendments will create even more administrative and practical hurdles for such advocacy-based NGOs.^{55&56}

2.4 Recommendations:

- 2.4.1** Enact a Central law within a year protecting Dalit and other human rights defenders, in full and meaningful consultation with civil society and in conformity with India’s human rights obligations.
- 2.4.2** Strengthen the power of Commissions to protect defenders, through measures including but not limited to facilitating fast-track access to protection, access to justice and rehabilitative support for HRDs and their families.
- 2.4.3** Amend the FCRA 2020 to remove the detrimental provisions of 5 year renewal while ensuring annual compliances which are sufficient to monitor

3. Women’s Rights

3.1 Nation Legal Standards

The SC/ST Prevention of Atrocities Act 1989 contains two clauses specific to caste and gender: (i) assault or use of force with intent to dishonor or outrage her modesty and (ii) sexual exploitation. The National Policy for the Empowerment of Women 2001, outlines a targeted strategy for SC women with regard to equal access to education. Similarly, while the SC Sub Plan and Gender Budget have special budgeting provisions for SCs and women, planning for SC women is not mandatory.

3.2 Issues and impacts:

According to the latest National Crime Record Bureau’s (NCRB) report the number of Rape Cases against SC women has increased from 2714 crimes in 2017 to 3372 crimes in 2020 witnessing an increase by 24.2%. Assault on SC women to Outrage modesty (354 IPC) has increased by 16.19% in 2020 which is 3373 from 2903 in 2017. There has been huge rise in cases of “Insult Modesty” of SC women from 72 in 2017 to 144 in 2020 which shows 100% rise. Registered cases of Acid attack has also risen from 0 case in 2017 to 3 cases in 2020.⁵⁷ SC women are also vulnerable to specific forms of violence. Studies revealed that over 90% of *Devadasi/Jogini* women forced into ritualized prostitution

are SC women.⁵⁸ A 2015 Report by Sampark submitted to the International Labour Organisation estimates that the number of Devadasis all over India would be close to 4, 50,000.^{59 & 60 & 61}

3.3 Challenges in implementation:

- 3.3.1** Planning and special budget allocations are done separately for SCs and for women, without any recognition of the multiple identities and consequent vulnerabilities that SC women face and which require specific strategies to overcome.
- 3.3.2** Few government measures currently exist that acknowledge and address the intersectional discrimination that SC women face and which contributes to their lower development levels.
- 3.3.3** In 2015, the Central Government issued an advisory to implement the legislations strictly, to initiate special drives to identify Devadasi women and rehabilitate them with counselling, medical treatment, along with the assistance of NGOs.⁶² Despite this, there has been no improvement in the implementation.
- 3.3.4** In 2018, the Supreme Court condemned the prevalence of honour killings, issued directives and guidelines⁶³ However, without budgetary allocations and commitment,⁶⁴ the implementation of such directives is difficult.

3.4 Recommendations:

- 3.4.1** Take proactive measures to improve Dalit women's legal literacy and ability to access justice, including through monitoring effective enforcement of the PoA Act and providing quality free legal services to Dalit women.
- 3.4.2** Increase annual budgetary allocation for the protection of Dalit women from exploitation and violence and in accessing various schemes.
- 3.4.3** The Karnataka, Tamil Nadu and Maharashtra legislations need to be amended by including a proviso, declaring that girls dedicated as Devadasis shall not be prosecuted for the act of dedication and related practices.⁶⁵

4. Affirmative action, enjoyment of economic and social rights

4.1 Nation Legal Standards:

The Indian Constitution prohibits discrimination in employment and commits to promoting the economic interests of SCs.⁶⁶ Article 16(2) allows for 15% reservation for SCs to enable their participation in government services, educational institutions and political bodies.⁶⁷ The Child Labour (Prohibition and Regulation) Act 1986 prohibits the engagement of children under the age of 14 years in certain hazardous employment and regulates the conditions of work of children in certain other employment. After constant efforts the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013, came into existence.⁶⁸ Recently the Government has prepared a Rs.1.25 lakh crore National Action Plan to completely phase out manual scavenging and acquire hi-tech machines in 500 cities and major gram panchayats to clean sewers without any human interface.⁶⁹ Post the Indian Ocean Tsunami, the Indian Parliament enacted the Disaster Management Act 2005⁷⁰ to provide for the effective management of disasters. The Government of India recognized SC/ST as priority groups for social inclusion, through the National Disaster Management Plan 2019.⁷¹

4.2 Issues and impacts

4.2.1 Employment:

Out of the 79 Ministries/Departments, 65 Ministries/Departments, including their attached/ Subordinate offices, have informed that there were 19,66,360 employees, as on 01.01.2018. Out of them, 3,41,781 employees belong to SCs. Gender-wise data is not maintained separately.^{72 & 73} The Centre

placed data of 19 ministries and told the Supreme Court that SCs comprise 15.34%, a workforce of 1,23,155.⁷⁴ The data from Rajya Sabha shows that, of the total 457 serving secretaries, joint secretaries and additional secretaries to the government of India, merely 12% are SCs/STs and OBCs.⁷⁵ As on 2019 in Lok Sabha, out of 6,043 faculty members at the 23 IITs, 149 were SCs and 21 were STs — they made up less than 3% of the total number of faculty members. Most of the IITs do not have a single professor from the SC/ST community.⁷⁶ As per All India Survey on Higher Education (AISHE) 2016-17, percentage of Teachers of SCs have been reported as 8.3%.⁷⁷ A total of 256 Judges have been appointed to the Supreme Court since the inauguration of the court. Of these, there have been only five judges from the Scheduled Castes. In 2018, the data submitted by courts from the subordinate levels of the judiciary of 11 states to the Law Ministry stated that the representation of SCs comprised less than 14 % judges in the subordinate judiciary, including district courts.⁷⁸ The NCSC in its 2016 report states that as of 2011, there were only 24 judges belonging to SC/ST against a total of 850 judges in all the 21 High Courts.⁷⁹

4.2.2 Manual Scavenging:

As per recent government data, out of 43,797 identified manual scavengers, 42,594 belong to the SCs i.e. 97% are SCs.⁸⁰ Year 2019 saw the highest number of manual scavenging deaths in the past five years. 110 workers were killed while cleaning sewers and septic tanks.⁸¹ During the second wave of COVID-19, due to lack of protective gear, 25 sanitation workers lost their lives and yet no real efforts were made by any institution to improve the welfare of the sanitization workers is dark spot on the Prime Ministers Swachh Bharat Abhiyan.⁸² The ICMR⁸³ has documented a range of adverse medical conditions associated with manual scavenging.^{84 & 85}

4.2.3 Child Labour

It is reported that out of the estimated 60 million-child labourers, 40 % come from Dalit families.⁸⁶ 60% to 70% of the young women workers are Dalits. Research carried out by SAVE between 2013 -15,⁸⁷ shows that 23% of all Sumangali workers were younger than 14 years of age and 26.85% of workers were between 12 and 14 years of age at the moment they were recruited, implying that a quarter of all workers are child labourers, in violation of, not only labour laws but also the right to free and compulsory education.⁸⁸ A report published by the human rights NGO Arisa has found that children under 14 years account for over 18% of the workforce in the cottonseed farms surveyed, with over 50% of the child labourers in the sector being Dalits or Adivasis. The majority of the child labourers were not attending school.⁸⁹

4.2.4 Disaster Risk Reduction & Management

An overwhelming level of unfamiliarity about the relief schemes among SCs and STs preceded by low schemes coverage and realization was exposed in a two-phase social inclusion assessment of the COVID-19 relief package (Pradhan Mantri Garib Kalyan Yojana) by National Dalit Watch-NCDHR.⁹⁰ The inherent discrimination built into the NDRF Norms⁹¹, continue to disqualify the SC/ST from receiving assistance against losses and damages of items not formally owned or registered in their names but are rented or leased; and the highly inadequate level of compensation for the 'smaller' assets they own.

4.2.5 Right to Adequate Housing and Land

India is estimated to have the highest number of people displaced as a result of ostensible 'development' projects — between 65 and 75 million — since 1947. Of those displaced, 40 per cent are Indigenous / tribal peoples, while 20 per cent are Dalits.⁹² Dalit own the lowest percentage of land in rural India (9.23 per cent); the average area owned per SC household is 0.27 hectares. Dalit settlements are mostly located on peripheries without adequate access to basic services.⁹³ 71% Dalits are landless

laborers who work on land they do not own. In rural areas, 58.4% Dalit households do not own land at all.⁹⁴

4.2.6 Right to Health:

SCs remain excluded from critical health determinants resulting in high levels of morbidity, mortality, and undernutrition. They also utilize relatively less preventive and curative services and receive poor quality of services. In many instances, status-based health inequities of Dalit communities are found even after adjusting for education and income.⁹⁵ Utilization of health care services by the Dalit community continues to be poor, especially for ANC services.⁹⁶ The average age at death for Dalit women was 39.5 years⁹⁷ as against 54.1 years for upper caste women.⁹⁸ Dalit patients experience more apathy, denial, and avoidant behaviour from health service providers as compared to non-Dalits, which is attributed to the flaws in the health delivery system.⁹⁹ Some of this is partly explained by the predominance of non-Dalit health workforce.¹⁰⁰

4.2.7 Budget Allocation:

Deeper budget analysis for the FY 2022-2023 reveals that, only Rs 1,42,342 Cr (11.6%) fund have been earmarked for SCs communities with total gaps in allocation of Rs 1,29,181 Cr. Only Rs 53,796 Cr (4.4% of CS+CSS) has been earmarked towards targeted schemes with direct benefit to the community. Most of the good or targeted schemes are allocated with negligible fund, whereas notional and general schemes are allocated with staggering percentage of funds that hardly benefits the communities. For instance, the allocation under “National overseas scholarship for SC” is Rs 36 Cr. Allocation for Dalit and Adivasi women has been the most concerning. The union budget 2021-22 allocates 0.97% for Dalit women from the total eligible Centrally Sponsored Schemes (CSS) and Central Sector Schemes (CS). For children the total allocation is Rs 19,338 Cr that accounts only 1.57% of CS+CSS. Additionally, 50 top funded SC & ST schemes comprises 90% of total SC & ST fund of Rs 2,31,607 Cr that includes 24% fund is relevant and rest 76% is either general or obsolete schemes.¹⁰¹

4.3 Challenges in implementation:

- 4.3.1** Though allocation of budgetary resources for SCs are made, there is little planning and participation of the SCs in the development process due to which over 40% of the total fund does not directly benefit the SCs.
- 4.3.2** There is no gender-disaggregated data available to indicate the representation of SC women in government posts. There is no comprehensive employment policy in the country with a specific policy strategy for the holistic development of employment opportunities among SCs. There is a lack of a comprehensive employment anti-discrimination framework that adequately addresses the myriad ways in which discrimination operates.
- 4.3.3** Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013 does not have concrete measures for rehabilitation and a clear plan for implementation.¹⁰² The task of identifying the manual scavengers is given to the National Commission for Safai Karamcharis, who in turn depends on the state governments for actual data.¹⁰³ There are hardly any prosecutions for the offence punishable under the Manual Scavengers Act.¹⁰⁴ Major type of latrines used is the dry latrines which are a major cause of manual scavenging.¹⁰⁵ The problem of manual scavenging persists because of the inability of the system to fully rehabilitate and other employment opportunities for sanitation workers.¹⁰⁶
- 4.3.4** The Child Labour Abolition Act does not envisage the complete elimination of child labour, does not cover all children aged up to 18 years, and many employers escape penal provisions under the guise of children engaging in family activities. Rehabilitation of children under the

National Child Labour Project is mismanaged. Monitoring at the state level is absent.

- 4.3.5** Lack of recognition of caste-based discrimination in disasters, due to which the existing measures have remained inadequate to curb and redress the issue legally accompanied by sheer absence of perspective and grievance registration and redressal. Lack of consultation with Dalits on resilience and climate change adaptation concerns and needs have kept them away from the mainstream climate and DRR actions at all levels of political decision making and influencing, resulting in the flawed neutrality approach undermining the principle and need for equitable resilience building measures.
- 4.3.6** Dalits directly suffer from landlessness and homelessness due to the violence and discrimination historically perpetuated against them. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013¹⁰⁷ was enacted to ensure some degree of equity in land acquisition proceedings, subsequent amendments by many state governments have nullified its intent.^{108 & 109 & 110 & 111.}
- 4.3.7** The budgetary commitment to the public health system for marginalized communities are inadequate in the country. The health policy lacks specific vulnerabilities and needs of the marginalized groups.
- 4.3.8** The issue of under-utilization of funds in both the Union and State budgets is a serious issue resulting in poor budget credibility. Poor budget credibility is the indication of significant deviation between the approved budget viz-a-viz the utilization of the budget.

4.4 Recommendations

- 4.4.1** Dalits must be included at all levels of planning and designing of schemes in the annual central government and state governments Budgetary allocation for the welfare of SCs.
- 4.4.2** A comprehensive Employment Policy, covering public and private sector employment, with a special policy emphasis on the SCs must be developed. This policy should align with the government's Reservation Policy. A monitoring mechanism in the form of an Equal Opportunity Commission should be created to monitor the situation of discrimination against Dalits in all arenas, including employment.
- 4.4.3** Time-bound plans for the complete eradication of manual scavenging must be formulated and implemented, alongside the strict implementation of the Eradication of Manual Scavenging Act.
- 4.4.4** An immediate investigation should be launched into the enforcement of the Child Labour (Prohibition and Regulation) Act and officials if found to have negligent should be appropriately disciplined.
- 4.4.5** Allocation of 50% for Dalit women and a special component plan for Dalit women should be established with strong mechanisms to monitor and ensure effective implementation.
- 4.4.6** Bringing the respective disaster management and climate resilience authorities/departments obligated under the Guidelines for earmarking of funds for Development Action Plan for SCs and Development Action Plan for STs to ensure a fair share and special attention to risk reduction and climate resilience through planned budgetary allocations and outcome monitoring.¹¹²

5. Right to Education

5.1 Nation Legal Standards

The Right to Education was introduced as a fundamental right under Article 21A of the Constitution by way of a constitutional amendment in 2002. The Right to Education Act 2009 was enacted to specifically implement the right to free and compulsory education for all. The Act also directs the government to take action to ensure that children from disadvantaged social groups are not discriminated

against and prevented from pursuing and completing elementary education¹¹³ Several schemes were undertaken by the Government under the auspices of the Act such as the *Sarva Shiksha Abhiyaan*,¹¹⁴ *Rashtriya Madhyamik Shiksha Abhiyaan*¹¹⁵ and Teachers' Education, among others, responding to social realities.¹¹⁶ The *Sarva Shiksha Abhiyan* Implementation Framework suggests interventions for inclusion of Dalit children, including establishing norms of behaviour for teachers and students; and timely detection of forms of discrimination practiced by either teachers or students.¹¹⁷

5.2 Issues and impacts

The enrolment number for children coming from marginalized communities has also seen a decline from 2017-18 to 2018-19, which registered a fall of 1.69% among the children from the SC categories.¹¹⁸ The presence of schools across the country has witnessed a decline from 15,58,940 in 2017-18 to 15,50,006 in 2018-19.¹¹⁹ The decline is often seen as a result of school mergers introduced through a set of guidelines in 2017.¹²⁰ According to UNICEF Survey, around 51% of the dalit children have dropped off from the elementary schools.¹²¹ Dalit enrollment in 2018-19 fell short of the mandated quota of 15%.¹²² Forms of discrimination have forced the students to drop off and even commit suicide.¹²³ One of the report audited the performance of eight IITs between 2014 and 2019¹²⁴ and observed that the representation of the reserved category was not as prescribed, particularly, in respect of PG and PhD admissions.¹²⁵ According to data presented by Education Minister in the Rajya Sabha, in Indian Institute of Science Bengaluru, only 9% candidates admitted to the PhD programmes, integrated PhD programmes, were from the SC category, from 2016-2020. In the 17 IITs¹²⁶, 9% of total PhD candidates were from SC category. These trends are worse in other institutes like NITs and IISERs.¹²⁷

5.3 Challenges in implementation:

There has been a declined attention towards Mid-Day Meal Scheme. The budget allocated for the Scheme has stagnated at Rs. 110 billion in the last two years. In order to improve the education system in the country, an increase in the budgetary expenditure on education in the total financial budget is inevitable. Currently, the education sector continues to survive on 2.18% of the total Union budget.¹²⁸ The Union Cabinet of India approved the New Education Policy in July 2020 to outline a vision for bringing about a major overhaul in education system.¹²⁹ While some concerns have been raised about the implementation of the policy¹³⁰ its concrete results can only be witnessed and analyzed in the time to come for the marginalized community.

5.4 Recommendations

- 5.1.1.** Take immediate action to make school environments free from discrimination, including by requiring schools to display their commitment to "Discrimination-Free Schools" in prominent places.
- 5.1.2.** Increase at least five-fold the annual budgetary allocation for the Integrated Child Protection Scheme for protection of children from abuse, neglect, exploitation and violence and separate budgetary allocation for the quality education including quality residential schools and hostels etc.
- 5.1.3.** Develop legal mechanisms to address caste-based discrimination in higher education at all levels and implement the guidelines issued by the University Grants Commission in 2013 on discrimination free environment in higher institutions.

6. Right to clean water and sanitation

6.1 National Legal Standards

The Government of India had committed itself to improving access to safe and sustainable drinking water and sanitation¹³¹, primarily through the effective implementation of the National Rural Clean Water Mission, the *Swachh Bharat Mission* (SBM – Clean India Mission) and *Namami Gange* (Clean Ganga River) programme. Similarly, the *Swajal Yojana* aims to provide adequate safe water for drinking, cooking, and other domestic basic needs. The Union Minister for Drinking Water and Sanitation announced that the scheme, in 115 aspirational districts of the country, will involve an outlay of Rs. 7 billion through ‘flexi-funds’ under the existing National Rural Drinking Water Programme budget.^{132&133}

6.2 Issues and impacts:

As per the 2019 report¹³⁴ of the Special Rapporteur on the human rights to safe drinking water and sanitation. In India more than 20% of Dalits do not have access to safe drinking water.^{135 &136} Only 10% of Dalit households have access to public sanitation, as compared to 27% for non-Dalit households.¹³⁷ A quarter of the Dalit households have water sources within premises as compared to almost half for the general population. 23.7% of Dalit households have access to latrine facilities as compared to 42.3 % for general households.¹³⁸

6.3 Challenges in implementation:

- 6.3.1** Despite tall claims and concerns about the importance of providing adequate drinking water to all citizens, allocations to the urban water and sanitation sector have never crossed even 2% of the Plan funds of the Government of India since independence.
- 6.3.2** National Water Policy make a blanket statement as water should be provided to all but there are no specific measures mentioned to address discriminatory practices and atrocities follow with access to water.
- 6.3.3** There are various judicial pronouncements which reassert the rights of all to access water but still the situations of Dalits remain the same. Courts in India have interpreted Right to clean drinking water as embodied in Article 21 of the Constitution of India.

6.4 Recommendation

- 6.4.1** Revise existing water and sanitation related laws, regulations, policies and operating procedures to ensure that they refrain from discrimination.
- 6.4.2** Review public water and sanitation budgets to ensure that they address the needs of vulnerable and marginalised groups, including those living in informal settlements and arid and semi-arid areas and come up with better schemes to ensure housing and land rights to the Dalits and Adivasis.

Besides fulfilling thematic recommendations following recommendations are purposed:

1. UN Human Rights Council shall resolve to form a UN Working Group on the Rights of the Communities Discriminated on work and descent adopt the draft UN Guidelines on Elimination of Discrimination based on Work and Descent.¹³⁹

2. Adequate measures to enact ‘Anti-Discrimination’ and equal opportunity and equality laws legislation covering governance, social processes, service delivery and budgetary allocations and which prohibit discrimination in capital market, labour hiring, work place and supply chains in all private and public enterprises.
3. The State must promote appropriate Legal Protection Mechanisms for the protection of the Rights of Dalit human rights defenders and comply with UN Guidelines for Human Rights Defenders.
4. The unorganized Workers Social Security Bill should be adopted without any further delay. Equal attention should be given to Dalit women domestic workers. The recent ILO Convention on domestic workers and rules, 2011 should be given due consideration for subsequent ratification.
5. On priority basis, design, develop and implement a National Action Plan to eliminate all forms of discrimination, applying where necessary the Durban Review Conference Outcome (2009). This Plan should integrate Human Rights Education and Training at all levels.

¹ 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.

² NCSPA is started with a small gathering by a shared concern over the growing number of atrocities matched by the poor implementation of the SC/ST (Prevention of Atrocities) Act in the year 2009 on the occasion of twentieth anniversary of the PoA Act. It has since grown into network of Dalits, Adivasi and supportive human rights organisations and individuals spanning across the India. From an agenda to enforce the PoA Act, the coalition has widened its call to end all atrocities and to stop ‘untouchability’, caste and ethnicity based discrimination.

³ This report is a compilation of primary and secondary sources and inputs collected from various organizations, experts working on caste-based discrimination and violence. Information was also obtained from different credible sources including the UN Treaty Bodies, UN Special Procedures, and Government Reports etc.

⁴ Scheduled Castes are known to be ‘Untouchables’ and subjected to so-called ‘Untouchability practices’ in both public and private spheres. Due to exclusion practiced by both state and non-state actors, they have limited access to resources, services and development, keeping most Dalits and Adivasis in severe poverty. Despite constitutional safeguards and special legislation for the protection of ‘Scheduled Castes’, violations of their fundamental human rights continue on a massive scale. Key issues include access to justice and rising violence, multiple discrimination against Dalit women, slavery and child labour, discrimination in education, untouchability and access to basic services including humanitarian aid, social and economic rights.

⁵ The Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 is an Act of the Parliament of India enacted to prevent atrocities against scheduled castes and scheduled tribes. The Act is popularly known as the SC/ST Act, POA, the Prevention of Atrocities Act, or simply the Atrocities Act. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, to prevent the commission of offences of atrocities against the members of SCs and STs, to provide for Special Courts for such offences, and for the relief and rehabilitation of the victims of such offences and for matter connected there with or incidental there to.

⁶ The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2018, Cl. 2. Available at: <<http://socialjustice.nic.in/writereaddata/UploadFile/PoA_Act_2018636706385256863314.pdf>>

⁷ Anusuchit Jati/Janjati thana are special police station which have been established to address the atrocity cases.

⁸ In Rajya Sabha, it was referred to a Parliamentary Select Committee, which has made certain recommendations.

⁹ Crime In India Reports (2017, 2018, 2019, 2020), National Crime Record Bureau, Ministry of Home Affairs, Government of India.

¹⁰ Quest for Justice, Page 89, << http://www.annihilatecaste.in/uploads/downloads/doc_201028025105_554455.pdf>>

¹¹ <<https://rajyasabha.nic.in/rsnew/Committee_site/Committee_File/ReportFile/15/143/230_2021_3_14.pdf>> ; accessed at 17:55 on 02 March, 2022>

- ¹² Under Sumangali, young women are hired on contract for up to five years. During their contract they earn minimal wages and at the end are given a lump sum to pay for a dowry. Terms like ‘Sumangali’ and ‘camp labour’ are often used interchangeably when describing forced labour in the Tamil Nadu textile mills.
- ¹³ Documentary series of issues faced by the victims of the scheme in the form of snap shot stories, R. Karuppusamy, READ
- ¹⁴ Documentary series of issues faced by the victims of the scheme in the form of snap shot stories, R. Karuppusamy, READ
- ¹⁵ Captured by Cotton, Exploited Dalit girls produce garments in India for European and US markets, SOMO - Centre for Research on Multinational Corporations ICN - India Committee of the Netherlands;
- ¹⁶ Captured by Cotton, Exploited Dalit girls produce garments in India for European and US markets, SOMO - Centre for Research on Multinational Corporations ICN - India Committee of the Netherlands; Many clothing companies do not remit employers’ and employees’ contributions to the Employees’ State Insurance (ESI) Scheme, and workers are denied the benefits of the scheme.
- ¹⁷ <<<https://www.antislavery.org/wp-content/uploads/2017/09/Slavery-In-Indias-Brick-Kilns-The-Payment-System.pdf>>> Female workers do not receive wages, workers are hired as a family unit, and wages are exclusively paid to the male head of the household unit. 65 to 80% of children between the ages of 5 to 14 that live in the brick kilns, are working between 7-9 hours a day. Most children living at the brick kilns are not going to primary school or early childhood services. 100% of children between the ages of 14 to 18 reported working at the kiln, on average 12 hours a day in summer months and 10 hours a day during the winter months. 96% of adult males interviewed reported taking an advance (loan) before starting work in the kiln. 33% of workers reported being paid less than the minimum piece rate wage for 1000 bricks. 100% of workers had their wages withheld until the end of the brick-making season, which is approximately 8-10 months long. Workers also have other deductions taken from their wages, many of which are illegal. 84% of workers were paid a lower rate than what had been agreed/promised at the beginning of the season.
- ¹⁸ In July, 2018 police in Ahmedabad city raided an area, home to 20,000 members of the vulnerable and marginalized Chhara Tribe, a denotified tribe. According to residents, police allegedly brutally beat up scores of people, damaged property, and filed false cases against many of them. <<<https://www.hrw.org/world-report/2019/country-chapters/india>>>; <<accessed at 18:20 on 02 March 2022>>
- ¹⁹ On 10, Feb 2019 a Dalit was on the way to meet one of his customers at Konanur, when he noticed a group of youths fighting among themselves. As he stopped his bike, two constables caught him and wanted to know where he was from. The moment he said he was from Ambedkar Colony in Konanur, they scolded him taking his caste and referred to him a cow-eater. The police took him to the police station, where he was tortured throughout the night. << <https://www.thehindu.com/news/national/karnataka/dalit-youth-alleges-torture-at-police-station-in-arkalgud-taluk/article26518660.ece>; >>; accessed at 18:26 on 02 March 2022
- ²⁰ In Aug 2017 few Dalit's from Rajanna Siricilla district of Telangana were arrested on the charges of burning sand-laden trucks. The police subjected Dalit's with third-degree torture – beating them indiscriminately, pouring hot water on private parts, gave electric shocks and administered sedatives and threatened to kill in encounters. <<<https://www.hindustantimes.com/india-news/telangana-alleged-torture-of-dalits-sc-sts-in-police-custody-kicks-up-political-row/story-ddRgltCVVtdlZN.html>>>; <<accessed at 19:22 on 02 March 2022>> GzaJbJeK-
- ²¹ In July, 2017, a Dalit boy (17 yrs.) was nabbed in a false case and he was subjected to custodial torture by police officers at Pav-aratty police station in Thrissur, Kerala. He committed suicide on July 18 after he was released from police custody, a day after he was allegedly nabbed in a false case. <<<https://www.thenewsminute.com/article/kerala-dalit-teen-alleged-torture-police-custody-crime-branch-submit-report-soon-69626>>> ; accessed at 19:25 on 02 March 2022
- ²² December 26, 2018 a 30-year-old Dalit man, Balkishan Jatav had died in police custody in Amroha district of western UP. His family members had alleged that they had to sell their jewellery to pay the bribe demanded by policemen for Balkishan's release. <<<https://www.newsclick.in/three-custodial-deaths-three-months-best-law-and-order>>>; accessed at 19:20 on 02 March 2022
- ²³ In January, four Adivasi women in Dhar, Madhya Pradesh, said they had been gang-raped by police personnel. In March, Adivasi villagers in Sukma, Chhattisgarh, accused security force personnel of gang-raping a 14-year-old Adivasi girl.
- ²⁴ In September, two paramilitary personnel were arrested on suspicion of killing a woman and raping and throwing acid on her friend in Mizoram in July. <<<https://www.amnesty.org/en/countries/asia-and-the-pacific/india/report-india/>>> accessed at 15:25 on 05 March 2022>>
- ²⁵ A Dalit family including three small children were also stripped and put in jail for allegedly encroaching on the land of dominant castes.<<<https://www.hindustantimes.com/noida/police-behaved-inhumanly-with-dalit-family-says-sc-st-panel/story-FT4K2Qd-CQmy9z3l7ofe2DP.html>>>; accessed at 12:15 on 10 March 2022
- ²⁶ Also in October 2015, a young Dalit boy died while in police custody, police torture is blamed. His crime, allegedly stealing two pigeons from dominant castes <<<https://scroll.in/article/764492/dead-over-a-stolen-pigeon-family-of-14-year-old-dalit-boy-acuses-haryana-police-of-torture>>> ; accessed at 15:20 on 10 March 2022>>
- ²⁷ One Dalit, who was incarcerated at the Palayamkottai Central Jail in Thirunelveli, revealed that prisoners are beaten up for no reason by members of the jail staff who were Thevars. The food served was scarcely edible. His visiting time for relatives who

came calling was curtailed. He had to work, but was not paid. Deprived of medical attention. There are eight blocks with 30-35 cells each. The fourth block, far from the main building, is for Dalits; Thevars, Nadars and Muslims are all in different blocks. While Thevar prisoners are free to use mobile phones, Dalits are not. While Thevars do not have too many restrictions on visitors, Dalits are given a separate place where officers often interfere with warnings that 'the meeting time is up. Dalit women visitors have to endure long waits, even gross insults. The exclusion of Dalits is painfully evident in matters medical. Dalits have no access to the prison hospital. If a Dalit prisoner is seriously ill, he is taken to the nearby government hospital, but not the prison hospital. Doctors visit inmates every week, but they hardly step into the blocks reserved for Dalits. <<<http://www.open-themagazine.com/article/india/caste-in-prison-stone>, Chandrashekar, chief of the Pallar Cultural Development Forum, which ran a campaign against anti-Dalit atrocities, was incarcerated at the Palayamkottai Central Jail in Thirunelveli, one of the districts worst hit by caste violence.>>

- ²⁸ A Study Report on Alleged cases of Police Atrocities against Kuruvan Community in the state of Tamil Nadu – 15 December 2014 to 13 January 2015.
- ²⁹ National Commission for Scheduled Castes
- ³⁰ Kuravan Community is one of the sub-castes of the scheduled caste community, who lives in Tamil Nadu, state of India. According to an estimate, "Kuravan" population in the state is 10 lakhs. They have been notified as "Habitual Offenders" and as notified community by the British during the year 1871 and it is extended to British regime in the year 1911. These Acts gave sweeping powers to the local governments to recommend that certain "tribes, gangs, or classes" be declared as being "addicted to the systematic commission of non-bailable offences". Although the Criminal Tribes Act was repealed across India in 1952, these communities continue to carry with them the stigma of criminality. They are mainly engaged in making bamboo baskets and coir products, pig rearing and other menial work. In search of their livelihood, they also migrate from one place to the other.
- ³¹ <https://www.theleaflet.in/prison-statistics-india-2020-76-per-cent-of-prisoners-are-undertrials-the-number-of-muslims-sikhs-scs-and-sts-among-them-disproportionate-to-their-population/> <<accessed at 19:20 on 02 March 2022>>
- ³² Death Penalty India Report, NLS.
- ³³ https://socialjustice.nic.in/writereaddata/UploadFile/ANNUAL_REPORT_2021_ENG.pdf
- ³⁴ Section 14 of the PoA Act mandates Special Courts to dispose of these cases within 60 days after filing of charge sheet in the court.
- ³⁵ Ministry of Law and Justice, Lok Sabha Unstarred Question No: 5177 Answered On: 24.07.2019 on Special District Courts by Mr. Ravi Shankar Prasad, Only 312 cases have been disposed off with in 60 days from 6 states (Chhattisgarh, Maharashtra, Gujarat, Haryana, Punjab, Karnataka)
- ³⁶ << http://www.annihilatecaste.in/uploads/downloads/doc_201028025105_554455.pdf>>, Quest for Justice, Page 103: According to the data as on July 201936 there were 1,88,880 cases pending in 702 special courts that were set up following provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act till march, 2019. The exact number of public prosecutors appointed under PoA Act is not known as information for some of the states is lacking. Latest available information on appointment of SPPs for special courts is available in report filed by ministry of social justice and empowerment u/s 21 (4) of SCs and STs (PoA) Act 1989 for the year 2017. The experience, however, shows that the public prosecutors are overburdened with cases and their number is not adequate enough to efficiently handle the cases entrusted to them. Uttar Pradesh has the highest number of cases at 70,266 pending before its 40 special courts with 40 Special Public Prosecutors. On an average each public prosecutor is handling 1756 cases. Bihar's 37 courts have 46,951 such cases handled by 37 SPPs thus on an average each SPP is handling 1268 cases. Andhra Pradesh's 13 courts have 3698 pending cases to be handled by 13 SPPs. Thus on an average each SPP will be handling 284 cases. Madhya Pradesh's 50 special courts have 18042 pending cases to be handled by 50 SPPs. Thus on an average each SPP will be handling 360 cases. Jharkhand's 24 courts have 1952 such cases handled by 24 SPPs, thus on an average each SPP is handling 81 cases. Odisha's 94 courts have 11495 such cases handled by 29 SPPs, thus on an average each SPP is handling 122 cases. Rajasthan's 35 courts have 10773 such cases handled by 35 SPPs, thus on an average each SPP is handling 307 cases. Telangana's 10 courts have 3115 such cases handled by 10 SPPs, thus on an average each SPP is handling 311 cases. Tamil Nadu 6 Special courts having 1356 cases handled by 6 SPPs, thus on an average each SPP is handling 226 cases. In states of Goa, Uttarkhand, Haryana, Maharashtra, Punjab, Tamil Nadu, Chhattisgarh and Delhi each of the Public Prosecutor is handling 13, 19, 46, 37, 12, 42, 24 cases respectively.
- ³⁷ Annual Reports (2017), under section 21(4) of SCs and STs (PoA) Act 1989, filed by Ministry of Social Justice & Empowerment Department of Social Justice and Empowerment.
- ³⁸ In an answer given by Sh. Thanwar Chand Gehlot, MSJE, Lok Sabha Starred Question No 323 on 17.03.2020 reveals that in 2016 only 2 meetings of State vigilance Monitoring Committee held in Haryana. One meeting held in Karnataka, Kerala, Tamil Nadu and West Bengal. No meeting held in States of Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Goa, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Rajasthan, Sikkim, Telangana, Tripura, Uttar Pradesh, Uttarakhand, Andaman & Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Delhi, Lakshadweep and Puducherry. State/UT of Manipur and Daman & Diu have not furnished any information. In 2017 only two meetings held in Haryana. One meeting held in Chhattisgarh, Gujarat, Karnataka, Kerala, West Bengal and Puducherry. No meeting held in States of Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Goa, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, Uttarakhand, Andaman & Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Delhi, Lakshadweep and Puducherry. State/UT of Manipur and Daman & Diu have not furnished any information. In 2018 only three meetings held in Gujarat, two meetings held in Uttar Pradesh, West Bengal, One meeting held in Assam, Chhattisgarh, Haryana, Maharashtra, Chandigarh, and Puducherry. No meetings held in Karnataka, Kerala, Andhra Pradesh, Arunachal Pradesh, Bihar, Goa, Himachal Pradesh, Jharkhand, Madhya Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Rajasthan,

Sikkim, Tamil Nadu, Telangana, Tripura, Uttarakhand, Andaman & Nicobar Islands, Dadra and Nagar Haveli, Delhi, Lakshadweep, Manipur, Daman & Diu.

- ³⁹ In an answer given by Sh. Thanwar Chand Gehlot, MSJE, Lok Sabha Starred Question No 323 on 17.03.2020 reveals that for the last three years (2016 -2018), no district level meetings were held in the state of Arunachal Pradesh, Assam, Meghalaya, Mizoram, Sikkim, Chandigarh, Dadra Nagar Haveli, Daman & Diu, NCT of Delhi, Lakshadweep, and Puducherry. As is evident that most of the districts as mandated are not regular in organizing the district level committee meetings every three months.
- ⁴⁰ Centre for Budget and Governance Accountability, 'How effective are the policies for rehabilitation of bonded labour in India?', 30 April 2019. Available at: <http://bit.ly/3acf0GR>
- ⁴¹ Scroll, 'For 70 years, Dalits have been denied freedom of religion – through a Presidential order', 21 August 2020. Available at: <https://bit.ly/2HqUGWc>. International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976), 999 UNTS 171 (ICCPR), Art. 18. Available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
- ⁴² This includes assaults in public places, torture, illegal detention, harassment, forced disappearances, extra-judicial killings, illegal imprisonment, surveillance, targeting of family members, branding as Naxalites and anti-nationals and implication in false cases.
- ⁴³ <https://timesofindia.indiatimes.com/city/meerut/fresh-nsa-charges-on-bhim-army-chief/articleshow/64006187.cms> (last viewed at 1:29 am dated 18th March 2022)
- ⁴⁴ <https://scroll.in/latest/863890/maharashtra-dalit-activists-claim-youth-leader-arrested-on-false-charges-in-nanded> (last viewed at 1:30 am dated 31st March, 2022)
- ⁴⁵ Mr. Ajinath Anand Raut, an activist from Usmanabad, Maharashtra works for the rights of Charnakar (SC) community in his area. Since he is questioning the discrimination being faced by the community, some of the dominant caste community trapped him in false offences of outraging modesty and Rape. He was beaten brutally several times, his shoe weaving shop was set on fire and was threatened to leave his village. Though he has given several complaints to the police officials against the culprits but in vein.
- ⁴⁶ Indian Penal Code, 1860
- ⁴⁷ <https://www.patrika.com/jaunpur-news/attack-on-advocate-lal-chand-in-jaunpur-1-2239991/> (last viewed at 2:12 am dated 31st March 31, 2022)
- ⁴⁸ One such incident took place in Maharashtra wherein a Dalit Human Rights defender, namely Samir Navagrahe, was badly beaten up by few dominant caste people because they had issues with his activism towards Dalit Rights
- ⁴⁹ <https://newslick.in/dalits-mp-and-rajasthan-still-remain-police-custody-bharat-bandh-protests> (last viewed at 1:54 am dated 31st March 2022)
- ⁵⁰ <https://sabrangindia.in/article/did-anti-dalit-whatsapp-messages-shared-among-savarnas-trigger-violence-during-bharat-bandh>
- ⁵¹ <https://www.newindianexpress.com/nation/2019/dec/11/activists-say-nhrc-urgently-needs-to-protect-human-rights-defenders-2074511.html> (last viewed at 1:27 am dated 16th March 2022)
- ⁵² <http://164.100.24.220/loksabhaquestions/annex/174/AU1548.pdf> (last viewed at 12:15 am dated 17th March 2022); In the Lok Sabha on 20 September 2020, the government provided information about the number of complaints registered with NHRC regarding violations of Human Rights of HRDs.
- ⁵³ <https://factly.in/data-number-of-complaints-received-by-nhrc-regarding-human-rights-defenders-increased-in-the-last-3-years/> (last viewed at 12:15 am dated 17th March 2022)
- ⁵⁴ <https://factly.in/data-number-of-complaints-received-by-nhrc-regarding-human-rights-defenders-increased-in-the-last-3-years/> (last viewed at 12:15 am dated 17th March 2022)
- ⁵⁵ <https://news.un.org/en/story/2020/10/1075792>>> (last viewed at 11:55 am dated 17th March 2022)
- ⁵⁶ <<<https://news.un.org/en/story/2020/10/1075792>>> (last viewed at 11:55 am dated 17th March 2022) Mr. Rupert Colville, spokesperson for the High Commissioner, noted that "activists and human rights defenders have also come under mounting pressure in recent months, particularly because of their engagement in mass protests against the Citizenship Amendment Act that took place across the country earlier this year". More than 1,500 people have reportedly been arrested in relation to the protests, with many charged under the Unlawful Activities Prevention Act, a law which has also been widely criticized for its lack of conformity with international human rights standards
- ⁵⁷ <https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/TABLE%207A.2.pdf>
- ⁵⁸ Black, Maggie, 2007. *Women in Ritual Slavery: Devadasi, Jogini and Mathamma in Karnataka and Andhra Pradesh, Southern India*. London: Anti-Slavery International: http://www.antislavery.org/includes/documents/cm_docs/2009/w/women_in_ritual_slavery2007.pdf>.
- ⁵⁹ Gender Based Violence on Scheduled Caste Girls: A Rapid Assessment of the Devadasi Practice In India' (n 2) 12.
- ⁶⁰ <<[https://theprint.in/india/banned-in-1988-this-religious-practice-still-forces-telanganas-dalit-women-into-sex-slavery/538535/-](https://theprint.in/india/banned-in-1988-this-religious-practice-still-forces-telanganas-dalit-women-into-sex-slavery/538535/)

>> Jogini is a centuries-old practice where girls as young as 12 years old — mostly from the marginalised Dalit-Bahujan communities — are married off to the local village deity as part of a religious belief. The families, most of them extremely poor, believe the ritual will please the gods, who will then improve their lives. In the early days, the primary duty of a jogini — also known as ‘devadasi’ and considered property of the temple — would be to indulge in cultural activities related to the shrine. In the following centuries, it morphed into something completely different, and the joginis were obligated to cater to the sexual needs of temple patrons, village heads etc. The ensuing form saw the women forced to cater to every man in their village; A study conducted by the National Law School of India University, Bangalore in 2018 in two taluks of Bellary district in Karnataka found that all 62 Devadasis who participated in the study were from Scheduled Castes. Just in the month of October, 2020 the district administration in Nizamabad, Telangana, rescued a 25-year-old woman from being converted into a ‘Jogini’, or the victim of an illegal practice that pushes women into sex slavery under the veil of faith. Official statistics also show that over 2,500 women have been killed of the suspicion of practicing witchcraft in the past 15 years.

- 61 Bincy Wilson, Shruthi Raman and Giliyal Anuroopa, ‘A Qualitative Study of the Legal Dimensions of “Devadasi” Dedication Phenomenon’ (Centre for Child and the Law, National Law School of India University 2018) <<https://www.nls.ac.in/resources/year2019/Devadasidedication2019.pdf>> ; <<https://clpr.org.in/wp-content/uploads/2019/11/Policy-Brief-on-Devadasi-Legislations.pdf>>
- 62 Abolition of Devadasi system, Advisory No. 24013/16/2015-SC/ST-W dated 22 December 2015, Ministry of Home Affairs, Government of India, <https://mha.gov.in/sites/default/files/DevdasiSystem_231215_0.PDF>. accessed on 23 Oct 2019; <https://clpr.org.in/wp-content/uploads/2019/11/Policy-Brief-on-Devadasi-Legislations.pdf>; The Tamil Nadu Act identifies no specific institution for its enforcement thus leading to no implementation at all. Under the Andhra Pradesh, Karnataka and Maharashtra legislations, specific bodies are tasked with responsibilities, but there is still no implementation.
- 63 Scroll, ‘“Catastrophic crisis for rule of law”: Supreme Court cracks down on khap panchayats, “honour crimes”’, 28 March 2018. Available at: <https://bit.ly/34nZ6FT>
- 64 The Swaddle, ‘Why India Needs A Separate Law For Honour Killings’, 21 April 2020. Available at: <https://theswaddle.com/honor-killings-india-law/>
- 65 Abolition of Devadasi system, Advisory No. 24013/16/2015-SC/ST-W dated 22 December 2015, Ministry of Home Affairs, Government of India, <https://mha.gov.in/sites/default/files/DevdasiSystem_231215_0.PDF>. accessed on 23 March 2022; <https://clpr.org.in/wp-content/uploads/2019/11/Policy-Brief-on-Devadasi-Legislations.pdf>
- 66 Article 16(2), 46
- 67 Ashwini Deshpande and Thomas E. Weisskopf, “Does Affirmative Action Reduce Productivity? A Case Study of the Indian Railways,” *World Development*, Vol. 64, pp. 169-180 (2014), 169.
- 68 <https://www.hrw.org/report/2014/08/25/cleaning-human-waste/manual-scavenging-caste-and-discrimination-india#> (last accessed at 3:01 pm dated 19/7/2020) - India also has numerous state and national-level social welfare schemes in place, including programmes to provide financial assistance and access to housing, water and sanitation, livelihood development training, legal aid and scholarships. In addition the government has passed Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013. Ministry of Social Justice and Empowerment has also worked with NGOs rehabilitating manual scavengers
- 69 <<https://economictimes.indiatimes.com/news/politics-and-nation/govt-draws-up-rs-1-25-l-cr-action-plan-to-end-manualscavenging/articleshow/74504492.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst (last accessed at 2:40 pm dated 30/3/2022)>>
- 70 https://ndma.gov.in/sites/default/files/PDF/DM_act2005.pdf
- 71 <https://ndma.gov.in/sites/default/files/PDF/ndmp-2019.pdf>
- 72 Rajya Sabha unstarred question no. 1711 (to be answered on 05.03.2020) Minister of state in the ministry of personnel, public grievances and pensions and minister of state in the prime minister’s office (dr. jitendra singh) <<https://pqars.nic.in/annex/251/AU1711.pdf>>
- 73 <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1579065>; As per information provided by the ten Ministries/Departments which includes their Public Sector Banks/Financial Institutions, Central Public Sector Undertakings etc., out of 92589 backlog reserved vacancies (29198 for SCs), 63876 backlog reserved vacancies (20975 for) were filled up during the period from 01.04.2012 to 31.12.2016 and 28,713 backlog reserved vacancies (8223 for SCs) remained unfilled, as on 01.01.2017.
- 74 <<<https://timesofindia.indiatimes.com/india/presence-of-scs-sts-in-govt-jobs-still-inadequate-centre-tells-supreme-court/articleshow/86822033.cms>>>
- 75 <https://www.businessinsider.in/india/news/social-justice-data-shows-indian-government-doesnt-walk-the-talk-on-reservations/articleshow/74223976.cms>
- 76 <https://theprint.in/campus-voice/sc-st-obc-representation-in-indian-education-is-dismal-upper-caste-nexus-persists/627217/>
- 77 Answer by minister of state in the ministry of human resource development (dr. satya pal singh) , rajya sabha unstarred question no. 2323 , answered on 15.03.2018<< <https://rajyasabha.nic.in/rsnew/Questions/QResult.aspx>>>
- 78 <https://theleaflet.in/explainer-ensuring-social-diversity-in-the-appointment-of-judges/>

- ⁷⁹ However, 14 out of the 21 High Courts did not have a single SC/ST judge. There are currently 25 High Courts with a total sanctioned strength of 1098 Judges and 406 vacancies..
- ⁸⁰ Answer given by Sh Ramdas Athawale on 01/12/2021 in Rajya Sabha, Unstarred Question No- 450 <https://pqars.nic.in/annex/255/AU450.pdf>
- ⁸¹ <https://www.thehindu.com/news/national/indias-manual-scavenging-problem/article30834545.ece> (last accessed at 5:20 am dated 19/5/2020)- The practice of manual scavenging still continues which is a sham for the country. The practice is driven by caste, class and income device. The number of people killed while cleaning sewers and septic tanks has increased over the last few years.
- ⁸² Swachh Bharat Mission or Swachh Bharat Abhiyan or Clean India Mission was a country-wide campaign from 2014 to 2019, to eliminate open defecation and improve solid waste management in urban and rural areas in India. With coming up of technology, it was believed that it will reduce manual scavenging.
- ⁸³ Indian Council of Medical Research
- ⁸⁴ Workplace Occupational Safety Health (WorkOSH), ‘Occupational Health Issues of Sewage and Sanitary Workers’, April-June 2015. Available at: <https://bit.ly/32qp0rj>; see also, Asia Times, ‘India’s Dalit women lack access to healthcare and die young’, 15 June 2018. Available at: <https://bit.ly/38oYgew>
- ⁸⁵ The conditions including exposure to poisonous gases, infectious and respiratory diseases, and fatal musculo-skeletal conditions, especially as most manual scavengers work without protective gear or equipment.
- ⁸⁶ SC children face multiple forms of discrimination, violence and social exclusion. It is estimated that 80 % of child labour engaged in hazardous occupations like carpet weaving, matchstick and firecracker industries apart from tanning, colouring and leather processing, lifting dead animals, clearing human excreta, cleaning soiled clothes, collection of waste in slaughter houses and sale of toddy come from Dalit backgrounds.
- ⁸⁷ Findings based on interviews conducted in two rounds with a sample of approximately 500 workers. See SAVE (2014), ‘Sumangali Trend Analysis January 2013–June 2014’; SAVE (2015) ‘Sumangali Trend January 2015’. - . About two decades ago, with the help of contractors they started targeting young Dalit girls who had completed their basic education at the age of 14 years, and school drop-outs. Spinning mill owners invented Sumangali system primarily to secure a steady labour supply of submissive adolescent female labourers.
- ⁸⁸ Harsh Mander, ‘Child ‘camp coolies’ in Tamil Nadu ‘12 January 2016, Times of India. During inspections, they are hidden in closets or closed rooms or doctors are brought in to certify that they are older than
- ⁸⁹ <https://maktoobmedia.com/2020/07/03/over-50-of-child-labourers-in-cottonseed-farms-in-india-are-dalits-or-advasis/>
- ⁹⁰ NCDHR. (2020). DELAYED AND DENIED: INJUSTICE IN COVID-19 RELIEF NATIONAL FACTSHEET. Retrieved from NCDHR: http://www.ncdhr.org.in/wp-content/uploads/2020/09/10-NCDHR-national-factsheet_weclaim_April-May-2020.pdf
- ⁹¹ <https://ndmindia.mha.gov.in/images/Constitution.PDF>
- ⁹² Ministry of Rural Development (Department of Land Resources) – Govt of India, ‘Report of the Standing Committee on Rural Development (2011–2012)’, Available at: <https://bit.ly/2GJsVYH>
- ⁹³ The Human Rights to Adequate Housing and Land in India Report to the United Nations Human Rights Council for India’s Third Universal Periodic Review, 2017 submitted by Housing and Land Rights Network, India. Dalits, including women, regularly confront discrimination and violence while trying to access housing and land. Purchase of land by SC is difficult and incidents of forcible occupation by other castes of land distributed to SC are common.
- ⁹⁴ <<<https://www.hindustantimes.com/analysis/landlessness-takes-away-dalits-legal-and-official-validity-as-indian-citizens/story-1QeT0Tjwp3dbdJjI93OXQJ.html>>>
- ⁹⁵ For detailed discussion on the inequities in health in India and Dalit and Adivasi Populations, please refer to: Springer, ‘Health Inequities in India - A synthesis of recent evidence’, 2018, pp. 97-120. Available at: <https://bit.ly/3n9Laps>
- ⁹⁶ BMC Public Health, ‘Inequalities in the utilisation of maternal health Care in Rural India: Evidences from National Family Health Survey III & IV’, 2020, 20:369. Available at: <https://bit.ly/2GGBZNN>
- ⁹⁷ EPW, ‘Caste, Religion and Health Outcomes in India, 2004-14’, Vol.53 Issue 10, 10 March 2018. Available at: <https://bit.ly/2leDe7o>
- ⁹⁸ NFHS-IV (2015-16). Available at: <https://bit.ly/38BTjiP>; see also, DailyO, ‘Why your caste decides how healthy you are, and how long you live’, 13 April 2018. Available at: <https://bit.ly/32rAD1k>; The Indian Express, ‘On average, a Dalit woman dies 14 years younger than one from upper caste: UN report’, 16 February 2018. Available at: <https://bit.ly/32rKJjJ>
- ⁹⁹ EPW, ‘Reconciliations of caste and medical power in rural public health services’, Vol. 54 Issue 40, 5 October 2019. Available at: <https://bit.ly/36k3e9S>

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- ¹⁰⁰ Population Association of America, 'Household Social Capital and Health Care Utilization and Expenditures in India: Does Caste Make a Difference?', 2019. Available at: <https://bit.ly/2InCsF1>.
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- ¹⁰¹ Expenditure profile, Union Budget, FY 2022-2023, Ministry of Finance, Government of India
- ¹⁰² Wilson, B., Safai Karamchari Andolan, quoted in Jitendra. (2013, 10 Sep). 'Manual Scavenging Prohibition Bill: How Effective', Down to Earth- It is still not clear who will formulate the schemes and how they will be implemented.
- ¹⁰³ Lack of data is also hampering the compensation process where 10 lakh is granted to the families who lost someone engaged in manual scavenging activity, as of now only 50% of 123 workers were able to receive the compensation.
- ¹⁰⁴ <<<https://www.thenewsminute.com/article/karnataka-hc-raps-state-govt-poor-implementation-manual-scavenging-act-139353>>>
- ¹⁰⁵ A report by Housing-Listing and Housing Census, 2011 indicates that there are approximately 26 million insanitary latrines. Moreover, in rural areas, there are no strategies put forward to convert dry toilets.
- ¹⁰⁶ <https://thecsrjournal.in/manual-scavenging-a-law-without-enforcement/>
- ¹⁰⁷ DNA, 'State land acquisition laws weakened provision of consent', 9 July 2017. Available at: <https://bit.ly/3k9PraR>; see also, Centre for Policy Research, 'Mapping dilutions in a Central Law: A comparative analysis of rules made under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act 2013', 2016. Available at: <https://bit.ly/2Ie5PK1>
- ¹⁰⁸ News Click, 'Gujarat's BJP govt. snatches farmers' land to give to corporates', 28 November 2017. Available at: <https://bit.ly/3eHQxJR> ; In Gujarat, where a number of Dalit, Adivasi / Indigenous /tribal peoples and Other Backward Class (OBC)-led movements have resisted forceful acquisition of land, the state law exempts most projects from the application of these important provisions. In October 2017, the Haryana state legislature passed the Haryana Consolidation of Project Land (Special Provision) Act 2017 that allows the state government to acquire left-out pockets of private land and bars the jurisdiction of civil courts to entertain or decide any matter pertaining to the law.
- ¹⁰⁹ The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement LARR (Telangana Amendment) Act 2016, Section 10A. Available at: <https://bit.ly/36nIJKm> ; Similar provisions came into effect in Telangana in 2017 to bypass the LARR Act.
- ¹¹⁰ Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017. Available at: http://cms.tn.gov.in/sites/default/files/rules/300_Ex_III_1a_0.pdf ; Similar provisions came into effect in Tamil Nadu in 2017 to bypass the LARR Act.
- ¹¹¹ NDTV, 'Haryana passes bill for acquiring land for government projects', 26 October 2017. Available at: <https://bit.ly/3eHQNbN>
- ¹¹² https://www.niti.gov.in/sites/default/files/2019-12/NITI_Aayog_Guideliens_for_SCSP_TSP_2017.pdf
- ¹¹³ Section 8(c)
- ¹¹⁴ *Sarva Shiksha Abhiyaan* is a programme aimed at universalization of primary education – “education for all”.
- ¹¹⁵ Rashtriya Madhyamik Shiksha Abhiyaan is a programme sponsored by the Central Government for the development of secondary education in public schools throughout the country.
- ¹¹⁶ Press Information Bureau, 'Ministry of Education: Steps taken by Government to provide education to poor students', 11 July 2019. Available at: <https://bit.ly/2JVqh3n>
- ¹¹⁷ These guidelines specify that all schools should not discriminate against a child belonging to a socially disadvantaged group in terms of admissions and shall prohibit all discrimination, harassment, victimization and segregation of such students. Additionally government has introduced a number of schemes, programmes and policies to promote access to higher education amongst the community. However several studies show that despite several programmes and policies for promoting higher education among the Dalit and Adivasi students, gaps continue to be a divisive factor in the education system of the country. The Ministry of Human Resource Development has issued Guidelines against Discrimination in Elementary Education in 2012.
- ¹¹⁸ Ministry of Education, UDise+: Social Category Wise Enrolment'. Available at: <https://bit.ly/3khQyVM>. <as accessed on 11 June 2020> Caste-based discrimination does not limit itself to enrolment numbers. There have been reports from across the country showing instances of children being discriminated on the basis of caste in schools. A recent case from Tamil Nadu showed how children were made to wear caste-based wrist bands of different colours leading to segregation and discrimination at various levels within the school premises. Educationists and anti-caste activists have consistently argued for introducing courses enabling conversations on discrimination and the need to eradicate this. To example, please see: The Hindu; Firstpost; The New Indian Express; and Livemint
- ¹¹⁹ A major blow of this reduction has been faced by schools in Rural Areas which has seen a significant decline in school numbers from 1311997 in 2017-18 to 1304063 in 2018-19. This shift is crucial to be noted because deprivation of education in rural

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- areas leaves an externality of increase in child-marriage and trafficking. Please see: Ministry of Education, UDISE+: Dashboard. Available at: <https://bit.ly/3eEmeUg> <as accessed on 18 March 2022>
- 120 The data produced by draft guidelines in 2015-16, which depicted how 187,006 primary schools and 62,899 upper primary schools were running with less than 30 students. On top of this 7,166 schools had zero enrolment and 87,000 schools were with a single teacher. Thus, the guideline for 'Rationalization of Small Schools across States for better efficiency' was adopted. Available at: <https://bit.ly/2GJQBfn>; see also, <https://bit.ly/38vtFfl>
- 121 <<http://idsn.org/wpcontent/uploads/user_folder/pdf/New_files/India/2014/Unicef_Report_on_Out_of_School_Children_in_South_Asia_-_2014.pdf (last accessed at 5:22 pm dated 19/3/2022)
- 122 All India Survey of Higher Education (AISHE) 2018-19
- 123 <<<https://www.livemint.com/mint-lounge/features/payal-tadvi-suicide-case-the-death-of-a-doctor-1559891147950.html>>> - There have been several cases of discrimination against the Dalit and Adivasi students at the school as well as college level.
- 124 Performance Audit of Setting up of new Indian Institutes of Technology (IITs)
- 125 <https://www.deccanherald.com/national/reserved-categories-inadequately-represented-in-8-iits-1066543.html>
- 126 Indian Institutes of Information Technology
- 127 <https://theprint.in/campus-voice/sc-st-obc-representation-in-indian-education-is-dismal-upper-caste-nexus-persists/627217/>
- 128 HAQ: Centre for Child Rights, 'Budget for Children 2020-21'. Available at: <https://bit.ly/3lg4XmH>
- 129 Ministry of Human Resource and Development (MHRD) - Govt of India, 'Draft National Education Policy 2019'. Available at: https://mhrd.gov.in/sites/upload_files/mhrd/files/Draft_NEP_2019_EN_Revised.pdf
- 130 Observer Research Foundation, 'The National Education Policy 2020: A policy for the times', 6 August 2020. Available at: <https://bit.ly/38pPUDk>; see also, Hindustan Times, 'Much to welcome in National Education Policy but...': Shashi Tharoor highlights some challenges', 30 July 2020. Available at: <https://bit.ly/3kg2Yh5>; Outlook, National Education Policy evokes mixed reactions among academicians', 29 July 2020. Available at: <https://bit.ly/2GPY81a>
- 131 National sanitation schemes aimed at modernizing human waste management include the Integrated Development of Small and Medium Towns Scheme (1969), Sulabh Shauchalaya (simple latrines) Scheme (1974), the Integrate Low Cost Sanitation Scheme (1981), the Low Cost Sanitation for Liberation of Manual Scavengers Scheme, 1989.
- 132 Press Information Bureau, 'Ministry of Drinking Water and Sanitation: Swajal Launched in 115 Aspirational Districts of India; Centre to spend Rs. 1,000 crores to provide clean drinking water to 27,500 quality-affected habitations', 14 June 2018. Available at: <https://bit.ly/2lkZiNy>
- 133 Press Information Bureau, 'Ministry of *Jal Shakti*: Jal Jeevan Mission: A reservoir of clean water and employment opportunities', 5 August 2020. Available at: <https://pib.gov.in/PressReleaseDetail.aspx?PRID=1643529>. It also aims to provide villages with piped water supply, powered by solar energy, and modernize 2,000 water quality testing laboratories across the country. It was proposed that (Rs. 10 billion will be earmarked for addressing the drinking water needs of 27,544 arsenic and fluoride-affected habitations of the country in 2020, under the National Water Quality Sub-Mission (NWQSM).
- 134 Human rights to water and sanitation in spheres of life beyond the household with an emphasis on public spaces - Report of the Special Rapporteur on the human rights to safe drinking water and sanitation Available at https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/42/47 (last accessed at 6:05 pm dated 29/3/2022)
- 135 <https://www.indiatoday.in/india/story/dalits-not-allowed-to-touch-water-tankers-servicing-upper-caste-villages-in-up-bundelkhand-1560960-2019-07-03>; In the parched badlands of Uttar Pradesh's Bundelkhand, wells and ponds have dried up, rivers have shrunk miserably. Water tankers are being sent to upper caste settlements, conveniently sidestepping the Dalit villages. People belonging to Dalit castes are not allowed to "even touch" functional hand pumps installed in upper caste villages.
- 136 <<<https://www.thehindu.com/news/national/other-states/in-shivpuri-access-to-water-riven-by-caste/article30892629.ece>,>> A Fatehpur village in Shivpuri district, even water is riven by caste fault lines. As with territories — roads, shops, playgrounds and trees — split among groups, a mutual pact forbids a Dalit person from drawing water from gushing pumps and teeming wells held by Thakurs, an upper caste, enjoying piped connection at home, a luxury still a far cry for others.
- 137 <<<https://minorityrights.org/advocacy-statements/hrc42-idsn-and-mrg-on-the-right-to-water-and-caste-based-discrimination/> (last accessed at 6:02 pm dated 26/3/2022)
- 138 Id- Dalits are frequently disempowered and not allowed to use public taps and wells located in non-Dalit areas. Only 17% of the adivasi households have access to latrines that is well below the figure for the general population, namely 43.2%
- 139 UN Study on Discrimination based on Work and Descent (2009) by Mr. Yozo Yokoto and Ms. Chin Sung Chung - Published by HRC on 18.05.2009 (A/HRC/11/CRP.3).