

RIGHTS AND DEVELOPMENT

Bulletin



**Centre for Development
and
Human Rights**

VOLUME 1, ISSUE 17

June-August 2010

**Eradicating poverty is an ethical, social, political
and economic imperative of humankind**



**"To halve, by the year 2015, the proportion of the world's people
whose income is less than one dollar a day..."**
Millennium development goal



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Centre for Development and Human Rights, New Delhi, brings out a Bulletin on Rights and Development, addressed to human rights activists in India and abroad, academics and scholars, public servants and political workers, NGOs and interested public. Its purpose is to make the readers aware of some of the developments in the area of human rights and economic, political and social concerns in India in the recent period. It focuses on a few selected issues of major concern in other countries in the world. It has a few short special articles, in this area, and a section on brief analytical features on some of the major developments. There is also a section of commentaries on some important news in this area. Another section provides some reviews of recent books on these subjects.

This Bulletin is prepared by a team of researchers Ms. Namrata Pathak, Ms Neha Mahal and Ms Selina Thounaojam as joint editors. The work of the team has been supervised by Ms. Jayshree Sengupta, (Editor-in-Chief) and a Board of Editorial Advisors consisting of Dr. Pronab Sen (Chief Statistician of India), Prof. Pulin Nayak (Professor of Economics, Delhi School of Economics), Dr. Alakh Sharma (Director, Institute of Human Development), Dr. N.J. Kurian (Director, Council for Social Development), Mr. Ravi Nair (Executive Director, South Asia Human Rights Documentation Centre) and Dr. Arjun Sengupta, (Chairman - CDHR).

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RIGHTS- FEATURES

Dalits in India: An Overview

The term Dalit includes all oppressed and deprived sections of the society. In the administrative parlance this term includes the Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Castes (OBCs). But presently it is meant exclusively for the SCs, a political term for assertion of identity of scheduled castes and defines an idea for a change in social structure. The caste system has traditionally been discriminatory to Dalits who have occupied the lowest position in the hierarchy. It has permeated the whole gamut of their existence- social, political and economic. After independence, the State has addressed the issue through positive discrimination in education, government employment, elected representative bodies through reservations, budgetary support through Special Component Plan (SCP) approach, special programmes for health and education and priority to Dalits in all rural development, slum improvement and anti-poverty programmes. This has succeeded in restoring the balance in favour of Dalits to some extent. Today, crude and blatant forms of discrimination against Dalits have lessened, though they have certainly not disappeared.

Various factors account for the changing scenario of Dalit emancipation. Ghanshyam Shah notes that due to impact of liberal discourse and greater communication there is an overall acceptance of equality as a desirable norm. Capitalist development, even though sluggish, has weakened traditional functioning of the caste system. Though

caste remains, its content and form is different from what prevailed earlier. Today caste may be a determining factor in occupation but it is not a limiting factor. Protective discrimination through reservation in government jobs and education has paved the way for Dalits to enter the middle class. This upward mobility has created hope and given confidence that there is scope for improving their condition and be at par with others. Within the community there is a greater awareness about their rights and thus a greater assertiveness in political and social spheres. Besides, various legislations prescribing punitive action against untouchability, though not implemented as effectively, have to a great extent checked blatant discrimination against Dalits.

The need to assess the position of Dalits in education, occupation, representative bodies at the local level and their political assertiveness stems from the fact that these are some of the most important factors for analysing the extent to which they have been empowered. The impact of government programmes and policies are reflected in these spheres. That their literacy levels are below the general population, that occupational mobility has been achieved but only sparingly, that employment among Dalits in the formal sector is low, that representation in Panchayati Raj Institutions (PRIs) does not often reflect the real status of their empowerment and that organized political Dalit assertion does not necessarily mean economic and social assertion, draws attention to the lacunae that has existed in the policies to ameliorate their condition .

- CDHR Team

Analysing Educational Empowerment of Dalits in India

According to the 2001 census of India, Dalits comprise 16 per cent of the population of India and are one of the most educationally deprived sections of the country. Despite numerous schemes by the government since independence to assimilate this hitherto excluded group into mainstream education (which includes provision of scholarships and fellowships, hostels, uniforms, stationery and most importantly, reservation of seats in higher education), educational attainment of Dalits still paints a dismal picture (*Table 1*).

Table 1

<i>1. Educational Attainment of Dalits at various levels (NSS 55th round, 2000)</i>	
Illiterate and below primary	50.45
Primary	17.88
Middle	18.49
Secondary	11.61
College	1.57

However, enrolment of Dalit children has increased over the years, reaching an astonishing 92% at the primary level during 1999-2000 (*UNICEF report, 2009*). This reveals an increased interest in education and mobility.

Tragically, this is offset by extremely high drop-out rates (*Table 2*). Absenteeism from class is another prominent feature, the causes being engagement in household work, taking care of siblings, beating by teachers and disinterest in studies.

Table 2

<i>2. Dropout Rates in 2001 (National Commission for SCs and STs Report)</i>		
Grades	All %	SC %
I-V	39.0	45.2
I-VII	54.6	60.7
I-X	66.0	72.1

An IIDS study (*Children and Caste-based Discrimination: Policy Concerns, 2009*) showed that with monthly per capita expenditure (MPCE) increasing from Rs225 to Rs950, school enrollment rates for children in India increased from 65 percent to 92 percent. However, reasons other than the economic ones seem to contribute equally to the problem of poor performance and drop-outs. Desai, Adams and Dubey conducted an analysis (*Economic Discrimination in Modern India, 2010*) where they studied the differences in the reading and arithmetic ability skills between children of Hindu upper castes and the disadvantaged groups. Regression analysis showed that the Dalit children were one-third likely to attain the reading level of the upper castes. On controlling for current school enrolment, grade completion and parental socio-economic status, the likelihood was found to be 0.63 times, implying presence of other accounting factors for the remaining 30 percent difference, the primary one being caste-based discrimination practiced by teachers themselves. Teachers, often belonging to upper castes, set low expectations for Dalit children and rarely provide them with a positive learning environment. There are reported incidents of Dalit students being called 'chamar' and assigned disparaging tasks like cleaning the school and segregation during mid-day meals. This further reinforces the discriminatory

attitudes of peers and impinges on the right of the Dalit child to education with dignity. Moreover, most of the schools are located within upper caste areas so that these children are prone to assault. It is not surprising that majority of them who enrol perform poorly and discontinue their studies.

Indian education policy has been to provide more schools and increase enrollment but issues of caste conflict and discrimination have hardly been addressed. Other than the economic status, factors such as exclusion from cultural activities, lack of information, and poor quality of education create a sense of social distance and inferiority.

When it comes to higher education, considerable improvement has been made after the introduction of reservation policy, which seeks to ensure equality of opportunity to compete in the employment market. However, the change is not adequate in view of the proportion of SC population still being outside the fold of higher education. There has been a very low enrolment of Dalits in prestigious courses of study that are in demand for high salaried jobs. During 1988-1999, the enrolment of Dalit students at the graduate level was only 8.37 percent, 8 percent at the post graduate level and at the research/Ph.D level only 2.77 percent (*UNICEF report*). The proportion of Dalits in IITs and IIMs is abysmal with shortfall in admission ranging from 45-65 per cent (*S.Srinivas Rao, EPW, July 20, 2002*). In spite of minimum qualifying marks set well below that of general applicants, the SC seats go unfilled as many have not completed secondary education or otherwise do not meet the admission

requirements. Further, the lower scores of most Dalit students after securing admission, especially at elite institutions, reflect inadequate academic preparation for the demands of higher education.



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Alternatively, upper castes have shown resentment against affirmative action arguing that individuals taking advantage of the quotas belong to the 'creamy layer' and were never subjected to the discrimination faced by the poorer brethren. Though this reportedly happens in certain cases, they are too minimal to be considered the universal scenario. A study by Thomas Weisskopf, in 2004, of Dalit students enrolled in elite institutions in India showed the economic status of majority of their parents to be far lower than that of their upper caste counterparts, belying the generalization. But such a prejudiced notion has led to almost all Dalit students to be viewed as undeserving but unduly privileged, thereby fuelling anti-Dalit feeling among the upper castes. This has led to several student caste-conflicts, the most prominent one being that of Amritashva Kamal being badly beaten up along with his brother, Saurabh, a student of Jawaharlal Nehru University, by a set of upper caste students in 2006 when he tried to stop his brother from being constantly harassed. The casteism of JNU administration was also visible when it declared the campus out of bounds for

Amritashva and debarred him from taking admission in JNU in future. Amritashva, in spite of topping the MPhil admission merit list for a course in JNU, had to seek justice in Delhi High Court, which ordered the university to admit Amritashva Kamal and pay him within two weeks a compensation of Rs 25,000 (*EPW, June 26, 2010*). Such incidents affect the self-esteem of the Dalit lot which can invariably result in poor performance and worsen an already unstable situation.

Indian education policy has been aimed at providing more schools and increasing enrolment but issues of caste conflict and discrimination have hardly been addressed. Other than the economic status, factors such as exclusion from cultural activities, lack of information, and poor quality of education create a sense of social distance and inferiority. Moreover, reservation in higher education is futile without sound basic education. Reservations have been mechanically implemented, with the announcement of quotas being considered the beginning and end of affirmative action. No other form of support or remedial teaching is provided to help Dalit students cope with the pressure of a university-level education, leading to large drop-outs (*The Eternal Debate, EPW, June 17, 2006*).

Along with poverty alleviation and introduction of more schools in Dalit inhabited areas, the quality of education needs efficient monitoring. Social justice should directly be addressed by ensuring all students are entitled to equal access to facilities within educational institutions and meting out stringent punishment where there is any form of discrimination. Extra remedial classes to help SC students cope with the demands of higher education can go a long way in curbing drop-outs.

That IITs and medical colleges have started offering such classes is commendable. Mid-day meals, if extended and monitored for caste discrimination, can go a long way in ensuring attendance of students (it is reported that the provision of a mid-day meal in the local school is associated with a 50 per cent reduction in the proportion of girls who are out of school). An inclusive approach addressing the economic and social interlinkages is the urgent need of the hour for Dalit empowerment through education.

- CDHR Team

Occupational Mapping of Dalits and Consequent Impact on Poverty Removal

One of the important features of the caste system in India has been the close association between caste and occupation, leading to vocation being an ascribed status. Dalits were barred from all occupations except those which were considered polluting to the upper castes. Thus land ownership was banned though they worked as labourers in fields of upper caste groups, and ownership of business was barred, though they dealt with leather. This relationship had eventually led to restricting occupational mobility and thus social mobility among Dalits. After independence, a combination of activism and constitutional initiatives has led to changes in this scenario. Abolition of untouchability, reservation for Scheduled Castes (SCs) in education and jobs, economic benefits, increased communication with urban areas, migration to towns from villages, greater formal education among Dalits, land reforms, abolition of *zamindari* system, planned development programmes, social reform movements led by caste groups and social and political workers and the

encouragement to abandon traditional, unclean occupations has led to upward occupational mobility among Dalits not only in cities but also in rural areas though in varying degrees.

As per the 2001 census, the SCs constitute 16.20 percent of the total population. An occupational mapping of Dalits as a social group would include their presence in public and private enterprises, ownership of land and occupations related to agriculture, and ownership of private enterprises in proportion to their population.

As the table on the right shows, in public services, participation of SCs covering A to D groups has risen. This reflects the result of the various reservation policies that have been made to bring them at par with other groups. However, data also reveals that in the group C and D posts, SCs have relatively high representation. A large majority therefore still continues to be associated with jobs that are considered menial.

1991			
Group	Total	SCs	%Total
A	62560	5689	9.09
B	102532	12115	11.82
C	2402089	376015	15.65
D	1167836	248101	21.24
Total	3735017	6441920	17.19

Percentage of SC Representation in Government Services in 1991 & 2001

2001			
Group	Total	SCs	%Total
A	10462	11950	11.42
B	158154	20274	12.82
C	2468060	400978	16.25
D	998711	178667	17.89
Total	3729567	611869	16.41

Source: DOP & T, Government of India

Absence of any data on community wise break-up of work force in the private sector makes information on Dalits in the private sector difficult. But the fact remains that liberalization and privatization of Indian economy and consequently moving away from a socialistic pattern to a more capitalistic economy has caused the shrinking of public sector and thus reservation of jobs. On the basis of the Fourth Economic Census pertaining to 2005, private enterprises constituted about 95 percent of the total enterprises in the country (*Thorat, Kundu & Sadana in Economic Discrimination in Modern India (Ed) Thorat, Newman, 2010*). This has led to the demand for reservation of jobs for Dalits in the private sector as well. It remains to be seen if the government can persuade corporate houses to provide some form of affirmative policies for these historically discriminated sections.



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The National Sample Survey (NSS) (2004-05) shows that a little more than 29 percent of all urban dalits were in the category of self employed as compared to OBCs (40.3 percent) and others (38.6 percent). In rural areas only 12 percent carry out some kind of business (Planning Commission, 2006). Even with regard to owning private enterprises, the proportion of SCs is lesser than their population in urban areas (about 7 percent) (NSSO Survey 2004-05)

It needs to be assessed whether Dalits have progressed substantially as a result of the affirmative policies and changing economic policies in employment and whether employment generation policies have succeeded in removing poverty

An important reason for poverty among Dalits is that a majority of them are concentrated in rural areas and are landless with no productive assets.

As the table below shows, income generating activities to alleviate poverty has helped in raising a large number of Dalit families from the level of below poverty line.

Percentage living below poverty line

	All India		SCs	
	1993-94	1999-2000	1993-94	1999-2000
Rural	38.2	27.09	48.11	36.25
Urban	39.09	23.62	49.48	38.47

Source: Planning Commission

But despite this their incidence of poverty remains high specially when compared to the general population. An important reason is that a majority of Dalits (81 percent) are concentrated in rural areas and are landless with no

productive assets (as per 1991 census, only 18.72 per cent of the SC population live in urban areas as compared to 25.75 of the general population). Agriculture and allied activities would be an important indicator of their occupational mobility since the large majority of SCs are still in the rural areas.

The share of SC households in terms of land ownership has not been rising in proportion to their share in the population. In rural areas the main source of livelihood of SCs is either farming, wage labour or some kind of non-farm business. In 2000, only 16 percent of all SC households cultivated land as owner-cultivator as against 41 percent among non-SC/ST households. Taking both farm and non farm activities, only about 28 percent of rural households have got access to capital assets as compared to 56 percent of non SC/ST households. (Planning Commission, 2006) Even in the urban areas, in 2003 while percentage of households belonging to ST, SC, OBC, and Others were 2.9 percent, 15.0 percent, 34.5 percent and 47.6 percent respectively, the corresponding percentages of area of land owned were 3.3 percent, 4.8 percent, 36.8 percent and 55.2 percent respectively. Overall, landlessness is more prevalent among Dalit households.

Inadequate access to agricultural land and capital leaves no option to Dalit workers except to resort to manual wage labour; consequently, it leads to enormously high level of (manual) wage labour among the SCs, i.e., 61 percent as compared to only one-third for others in rural areas (Planning Commission,2006). With higher incidence of wage labour, associated with high rate of under-employment, Dalits tend to suffer from low income and greater level of poverty.

Even reservation in employment in public sector has not been totally successful. In both the Central and State governments, a large percentage of the reserved posts remain vacant. This leads one to conclude that there has been no systematic planning and corresponding efforts to provide education to children of Dalits in a manner that they become qualified and eligible for these posts. While scholarships and stipends are available for Dalits, their socio-economic condition prevents them from seeking education to qualify for higher government posts. Thus the government will have to devise means to meet expenses to educate Dalit children to ensure holistic educational development. The fact that representation of Dalits in group C and D services is more reflects the difficulty in upward occupational mobility for this group despite affirmative action policies.

On the other hand, subdivision and intra group inequality is growing within the Dalit community as the benefits of such reservations are being taken by few sub castes among these groups. Making these groups ineligible for such privileges is impossible today as political parties are unwilling to lose out the votes that will come from such groups. Besides, such a policy is often found to benefit the same families over and over. Absence of a periodic review that makes those SCs who have advanced beyond a certain point ineligible for reservation makes the whole rationale for reservation in jobs meaningless.

Instead of merely looking at reservation as an answer to address to employment problems of Dalits, it is important to give them monetary and institutional encouragement both educationally and otherwise, to be

prepared to face competition in the modern job market with confidence. The present system while on the one hand has given rise to grievance among non SC /ST employees who feel that employment and promotion not by merit but by birth is unfair and on the other has failed to provide the much needed confidence to Dalits to be a part of the mainstream. A study by Aswini Deshpande and Katherine Newman in the book *Economic Discrimination in Modern India (2010)* highlights how Dalit students in job interviews perceive a hidden agenda in family background questions while non-reservation students take the same to be sensible enquiries from a human resource perspective.

Besides, land reforms or the Green Revolution have not entirely been beneficial to Dalits. A relook at the agricultural policies to ensure greater land distribution to Dalits with irrigation facilities, would ensure a more holistic approach to Dalit empowerment through occupational changes. Today, at the behest of the government, nearly 100 members of the Confederation of Indian Industry (CII) are working on affirmative action agendas on employability, entrepreneurship, education and employment for SCs. This is a welcome trend though more such efforts are needed on a bigger scale in the changing economic scenario.

- CDHR Team

Dalits in Panchayati Raj Institutions

The 73rd Constitutional Amendment Act, 1993 initiated the process of democratic decentralization in India providing rural and urban local governments with a constitutional status

that they previously lacked. Today, throughout the country there are approximately 2,34,030 Gram Panchayats at the village level, 6053 intermediate panchayats at the block level and 535 district panchayats and a total of about 31 lakhs elected representatives at all three tiers (*Ministry of Panchayati Raj, 2004*). 22.5 per cent of the total membership in the rural and urban bodies is reserved for scheduled castes and scheduled tribes. The rationale behind this is to ensure effective participation of the traditionally disadvantaged communities in decision-making and planning processes of the bodies.

Reservations have enabled the entry of a sizable number of dalits into the political arena in most Indian states though there are instances of boycott of elections and threats to dalit members by upper castes to stop them from contesting elections. But the same cannot be said about the extent of inclusion and participation.

Reservations have enabled the entry of a sizable number of Dalits into the political arena in most Indian states though there are instances of boycott of elections and threats to Dalit members by upper castes to stop them from contesting elections. As of 2001, the representation of SC in all-India Panchayati Raj Institutions (PRIs) at all the three tiers has been 14 percent (*Dept. of Rural Development, GOI*). The table below gives the percentage of representation of Dalits in selected states of India.

State	Scheduled Castes in panchayats	Percentage of SC population
Haryana	22%	19.07

Madhya Pradesh	43.8%	41.1
Kerala	9.8%	10.02
Tamil Nadu	6%	18.35
Gujarat	24.5%	7.15

Source: Bhaskar Y. Rao, 2001

Though their representation has considerably increased, the same cannot be said about the extent of inclusion and participation. According to a research conducted by Society for Participatory Research in Asia (PRIA) and its affiliates in twelve states of India, the general public opinion is that Dalits cannot play leadership roles. Not only the dominant higher caste groups in the villages feel so, even government functionaries and Dalit leaders reflect similar opinions. This can be attributed to the fact that subjugation by upper castes has not given Dalit leaders the freedom to participate and make judgment in decision-making. In nearly a tenth of the Gram Panchayats where Dalit Sarpanchs have been elected through reservation, manipulations by non-Dalit representatives have resulted in no-confidence motions against them. Dominant castes also seek to engineer elections by electing proxy candidates, thereby making the reservation policy redundant. In several panchayats, non-cooperation from upper caste members virtually halts day-to-day activities of gram sabhas and gram panchayats. In Pappapatti and Keerippatti panchayats in Tamil Nadu, Dalit Panchayat presidents resigned soon after their election when they failed to challenge the casteist forces (*Sudha Menon, 2007*). The case is worse when it comes to Dalit women as it manifests dual oppression of caste and gender. The Committee on the Elimination of Racial Discrimination (CERD) on the Indian Government's Report in 2007 sums up saying: "*Dalit candidates, especially women, are*

frequently forcibly prevented from standing for election or, if elected, forced to resign from village councils or other elected bodies or not to exercise their mandate”.

However, one cannot generalize as the story of PRIs is not uniform across the country. In some states like Kerala where political consciousness is high, the system has led to the empowerment of the hitherto marginalized sections of the society as well as successful local governance. Unfortunately in some other states, lack of political will and administrative apathy has hindered the real devolution of power. These differences arise due to the different socio-economic, political and institutional context in which panchayats function in different areas. Narendra Kumar illustrates this in his book *Dalit Leadership in Panchayats: A Comparative Study of Four States, 2006* by doing a comparative study of selected states of India. He found that in Himachal Pradesh, the absence of an oppressive caste order, a high literacy rate (73 percent), improvement in economic conditions of Dalits by encouraging them to take up horticulture through subsidies, employment opportunities offered by the state and a fairly good level of political consciousness have provided young Dalits (aged 25-44) with the required capability and confidence and have initiated a process of participation in a limited manner. Majority of the respondents felt that the upper castes no longer controlled the functioning of PRIs and that the Dalit leaders were efficient and capable of taking independent decisions. While in Haryana, one of the most economically progressive states in India with an average growth rate of 10 percent per annum, the society is socially backward, feudal, caste-based and patriarchal with most Dalits being landless and dependent on the

dominant Jats for employment. Majority in the panchayats are either illiterate or have received only minimal education. In some areas, reservations have become the reasons for hostility leading to caste violence.

The main impediment to Dalit leadership is the low economic and social advancement of the society. Illiteracy and lack of awareness about powers and functions and developmental schemes, poverty, an oppressive caste structure and a corrupted bureaucracy are some of the factors that hamper the empowerment of Dalits. Obstructions also arise as a result of Dalit caste or sub-caste assertion, with identity politics playing a major role. Consequently, despite taking up a number of developmental programmes for the villages in general by PRIs, there has not been much of addressing of issues like Dalit landlessness and access to common village resources.



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However, not all is dim as positive changes are happening, though relatively slowly. One can see a change in power structure in states like Uttar Pradesh, Kerala and Gujarat where young dynamic educated Dalit youth have increasingly entered politics at the grassroots level. The

political participation of Dalit women has generated enough confidence so that some women are able to speak up in their households and *gram sabhas* more freely. Other Dalit women also increasingly recognised their own capacities for leadership and expressed greater willingness to contest panchayat elections according to a PRIA study. It was also found that whenever the women panchayat leaders were literate, they were more assertive than the others (*Mahi Pal, 2004*). Sudha Pai also demonstrated in a study in 2001 that economic development and low-caste mobilization promoting Dalit assertion against upper/middle caste domination have made changes in the functioning of panchayats like in Meerut, Uttar Pradesh. The recent unanimous election of a Dalit woman as sarpanch in the Jat-dominated village of Serhada in Haryana, just 40 km away from Mirchpur where two Dalits were burnt alive in caste violence just three months prior to this, (*Times of India, July 8, 2010*) is a respite. Such incidents need to be highlighted so as to have a demonstration effect on the society at large.

An effective leadership from Dalit-headed panchayats is still in a formative stage. Political participation cannot be viewed in isolation; efforts to realize other enabling rights as rights to education and information, employment and equality must be integrated with efforts to ensure political participation. In order to promote good practices, Dalit sarpanches who excel in their work may be awarded at district and higher levels. The training programmes of the government for Dalit leaders can help overcome inhibitions and instil confidence amongst them. Besides the initiatives and intervention of government and constitutional bodies such as National Commission for Scheduled

Castes, pro-active involvement and participation of civil society organizations, NGOs, community-based organizations and research institutions must be encouraged. Sustained transformation requires concerted efforts on the part of state as well as non-state elements working together at all levels of governance or otherwise.

- CDHR Team

The Bahujan Samaj Party: Dalit Political Assertion in Uttar Pradesh?

Though the Dalit community has had several intellectuals and scholars such as Ambedkar who have struggled for achieving social justice for the community, they have remained oppressed, marginalised and at the receiving end of atrocities by upper and middle caste groups. One of the main reasons was the inability of Dalits to assert themselves politically. Even when parties appointed Dalit leaders they mainly represented the parties' agenda and not an independent voice for the plight of the community. In south of India, parties like Dravida Munnetra Kazhagam (DMK), formed to seek change in the social order by challenging Brahminical domination, have benefited backward classes at the most. But if Dalit mobilization through a strong Dalit leadership is successful anywhere in India, its most emphatic manifestation is visible in Uttar Pradesh (UP) in the form of Bahujan Samaj Party (BSP) and its leader and present Chief Minister, Mayawati. UP covers a large area, a highly populated dense fertile Gangetic plain in India and has the largest Scheduled Caste population (35,148,377 according to 2001 Census). Political strength in the state not only means strength of numbers for the state assembly

but also a potential to influence national politics. Hence, gaining an absolute majority by a Dalit centered party with a Dalit leader signifies the strength of Dalit mobilisation in the state.

In independent India, the quest to provide a separate platform to Scheduled Castes began with Ambedkar who had played a prominent role in providing reservations to the community in education and employment through the constitution. After Ambedkar, Dalits as a group had yet to get a charismatic leader. In 1972 a radical group in Maharashtra formed the Dalit Panthers, drawing inspiration from radical Black groups in America. The emphasis was on pride and self respect of Dalits and cultural assertion of the group. But organized political assertion by Dalits as a separate power group has been symbolized most dramatically and emphatically by the rise to power of Bahujan Samaj Party under its Dalit leader Mayawati in 1993 to UP State Assembly.

Dalit leaders have raised the aspirations within the community who have started to feel that they too can stake claim to power and resources and this new found militant and aggressive caste consciousness signifies an awareness of oppression and the consequent need for organized mass action to fight it

Like Jyotiba Phulay and Ambedkar, Kanshi Ram the founder of BSP too tried to create a radical dalit consciousness against upper castes though with a more militant agenda. His opposition to Gandhi's use of the term 'Harijan' and preference for the term 'Dalit', the now famous but controversial statements like *Tilak, tarazu aur talwar, inko maaro joote char* (thrash the

Brahmin, the Bania and the Rajput with shoes) and *Jo zameen sarkari who zameen hamari* (government land is ours), galvanised Dalits towards an anti- upper caste agenda and appealed to their desire to demand social, economic and political equality. The change from appealing to upper castes for compassion towards dalits to ambitions for political power in State and Centre was reflected in slogans like *Aarakshan se liya SP/DM, vote se lenge CM/PM* (with reservations we have taken Civil Services, with vote we shall capture political power). BSP asserted the subdued voice of Dalits. It was a party that formed a government with the rationale to serve the oppressed caste communities.

Coalition governments formed by BSP in 1995, 1997 and 2002 disintegrated within a short span of time but Mayawati managed to draw attention to BSP's commitment to the Dalit cause by actions such as replacing upper caste civil servants with low caste ones, upgrading infrastructure in Dalit dominated localities and ignoring the upper caste ones and enabling law enforcement to make it easier for Dalits to complain against upper caste atrocities. These acts have elevated BSP as a party for Dalits and have had a tremendous impact on Dalits' confidence as a community in Uttar Pradesh. They have often voted en masse for BSP, something that no other party can claim for a particular social group. BSP has forced upper castes to accept Dalits as an important factor and Rajputs and Brahmins competing with each other to get a BSP party ticket is testimony to this.

Projects such as the large park, with statues of Dalit heroes Ambedkar, Phulay, Kanshi Ram and Mayawati in Lucknow have caught the attention of the nation. For Dalits who have been denied

public space for centuries, these statues are the ultimate reassertion of their identity and make them realise that they too have a stake in the country. Immortalizing their leaders through statues has transformed Dalit identity from an oppressed group to that of a group capable of building monuments like other social and religious groups.



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But there is little evidence that BSP's position in power has brought radical material benefits to the Dalits of UP. They remain worse off than in many other states. Even today, 45 percent of rural Dalits remain below poverty line, 8 points worse than the national average and their plight has improved only slightly during Mayawati's tenure (*Newsweek, April 18, 2009*). Social discrimination is still rampant in UP and police indifference to violence against Dalits is still prevalent. Mayawati's *Sarvajan* formula to align Brahmins with Dalits on the basis of which BSP won an absolute majority in the state assembly in 2007 has not resulted in erasing divisions between the two communities. Besides, while the party and its leader may have been forgiven for amassing huge amount of wealth on the pretext of a symbol of Dalit strength, the BSP is increasingly becoming like other political parties. This may ultimately lead to disillusionment. Perhaps, realizing this, allotment of small land holdings to

landless and homeless Dalits, making the weekly Tehsil day more effective to get the common people's voice heard by the district officials, widow pension schemes, girl child programmes such as Mahamaya Gharib Balika Ashirwad Yojana and improvement of public work system such as power supply, water, health are being made.

Toady Dalit leaders like Mayawati have raised the aspirations within the community. Dalits have started to feel that they too can stake claim to power and resources and this new found militant and aggressive caste consciousness signifies an awareness of oppression and the consequent need for organized mass action to fight it. But unless this new Dalit political assertion results in articulating and addressing the problems of the "lower depths" among Dalits, the scavengers and others in "unclean" occupations, Dalit women, landless labourers, bonded labourers, unorganized unskilled workers in slums, parties like BSP would remain a mere symbolic representation of the Dalits. It is ironic that Uttar Pradesh, with a Dalit Chief Minister tops the list of states where atrocities against Dalits are committed (*Indian Express, May 17, 2010*).

- CDHR Team

Dalit Foundation: Profile of an NGO Committed to Dalit Empowerment

Despite numerous policy formulations by the Government in the last sixty years and provisions enshrined in the Constitution, the progress of Dalits is wide off the mark due to ineffective implementation of measures at the grassroots level. Organizations like Dalit Foundation have been working to shrink this gap. This seven years old organization

envisages eliminating atrocities against Dalits and promotes leadership among them, especially women, to empower the community as a whole. It acts as a catalyst to change by providing small grants and fellowship to individuals, community-based organisations, and networks that work at the grassroots level to secure social change and protect the rights of Dalits. This foundation is the first grant making organization in South Asia dedicated to Dalit upliftment. The range of activities supported by Dalit Foundation is land reform, labour rights, health, housing, advocacy and right to employment. During the year 2008-2009 alone, Dalit Foundation supported 143 individuals and 25 organizations across 17 states of India.

Dalit Foundation aims to equip the new wave of Dalit leaders with multi-dimensional skills required to smoothly manage their endeavours at various levels.

The micro-level focus of Dalit Foundation seeks to make a difference on the ground. The example of Joseph Awale, who is associated with Dalit Foundation since 2007, proves the point. Joseph is a Dalit activist who runs an organization called Dalit Samaj Vikas Parishad which has 125 youth groups and 114 branches in 95 villages of Sangli and Kohlapur districts of Maharashtra. Due to lack of land ownership, the migrant Dalit community has been forced to live on *gairan* (grazing) land. The illegal occupation has brought upon the Dalits the wrath of dominant castes and police. Joseph along with his team is making unrelenting efforts to legalize the occupation of these lands. After long spell of trying follow-ups, his efforts finally yielded results. Regularization was ordered in 4 villages, with enquiry ordered in

another village in 53 cases. Joseph Awale and his team also help the Dalit community derive benefits from government schemes.



Godna Painting of Dusadh community
©www.dalitfoundation.org

The organization goes much beyond pledging financial support for Dalit cause. It extends its role to effectively nurture leadership in budding Dalit youths and professionals through the means of fellowships and various capacity building programmes. Some of them are perspective building, internalization of Dalit ideology, training on strategy, leadership, advocacy work, impact assessment, self governance and linkages with other donors. Through such measures, Dalit Foundation aims to equip the new wave of Dalit leaders with multi-dimensional skills required to smoothly manage their endeavours at various levels. Identifying the triple discrimination faced by the Dalit women because of their caste, gender and class, Dalit Foundation seeks to empower and instil leadership in them through its leadership building programme focused only on Dalit women.

The Foundation also focuses on reviving the art and culture of Dalits, which has never been recognized by the higher class which is most patronizing towards finer arts, thus pushing it into the fate of oblivion. Dalit Foundation has been

zealously working to bring to fore *Godna* paintings, one of the most prominent art forms of Dusadh community in Dalits. This style of painting derives its name from the tattoo which Dusadh women have on their arms and legs. The paintings bear beautiful images of flowers, fields, animals, figures and spirits inspired from the tattoos. The organization provides assistance to artists for training in this art form. It aims to further expand the avenue for Godna artists by setting up a training centre to groom more Dalit talent in this art thereby enabling them to make a respectable living through it. The accolades have already started making its way. Chano Devi, a veteran Godna painting artist and fellow of Dalit Foundation was given National Award for excellence in Godna painting by the Ministry of Textiles and Handicrafts, Government of India.

The journey of the Dalit Foundation is filled not only with mounting success stories of determined partners but also with glory of recognition. At the Outstanding Annual Reports Awards held at India Habitat Center in 2009, the organization's annual report was declared runners up in the category of Large Organization.

The earnestness with which Dalit Foundation is playing its role in the cause of Dalits will go a long way to strengthen the Dalit movement and realize its vision of a society where Dalit communities have equal opportunity and social justice.

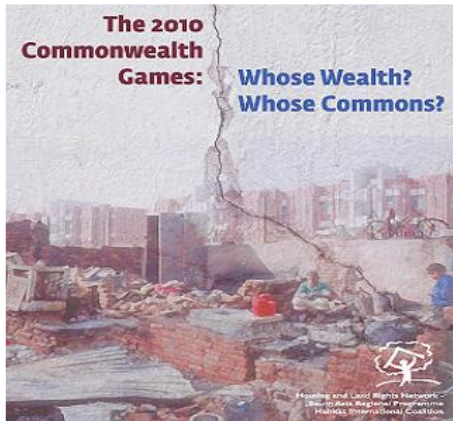
- CDHR Team

RIGHTS- COMMENTARIES

Gloomy Reality Behind Commonwealth Games 2010

The Commonwealth Games 2010, (CWG) are barely a few weeks away. New Delhi's dream of becoming a world class city by hosting this mega sporting event saw it feverishly undertaking infrastructure development and beautification drive at an exorbitant financial and social cost. However, the poor and disadvantaged have borne the maximum brunt of this lopsided city upgradation. A recent study undertaken by the Housing and Land Rights Networks has come with a report which infers that the preparations for CWG have led to significant long term negative social and economic impact for Delhi. The report states that more than three lakh slum dwellers have been evicted in Delhi since 2003 in the run-up to CWG on the pretext of urban renewal and city beautification. The apathy of Delhi government was further brought out when in December, 2009 it demolished a night shelter for the homeless at Pusa Road. Unable to bear the extreme cold, two homeless persons died. The desperation of the Delhi government to present a perfectly manicured city to the foreigners by hiding its poor population led to complete disregard of the UN Basic Principles and Guidelines on Development-based Evictions and Displacements. These principles stress that evictions should be carried out only in exceptional cases and follow a proper process including public consultation and eviction-impact assessment. The deplorable condition in which the evicted slum dwellers live clearly shows neither of these guidelines was followed by the Delhi

Government. Most of the resettlement sites are on the outskirts of the city. As a result, many have lost their education and livelihood opportunities.



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The report also points out infringement of livelihood rights of the street vendors of the Capital by the government. New Delhi Municipal Council (NDMC) had ordered the eviction of street hawkers in and around its market areas. This happened despite the Supreme Court declaring street vending as a legitimate occupation. In January 2010, the Municipal Corporation of Delhi (MCD) approved only 14,000 street vending licenses out of over one lakh applications received.

In its bid to attract world attention and praise during the CWG through creation of super infrastructures and beautiful landscapes, the Delhi Government has ignored the welfare of its own citizens.

The working condition of thousands of workers who are toiling at various CWG sites is no less a cause of worry. Studies by Peoples' Union for Democratic Rights (PUDR) and Commonwealth Games-Citizens for Women, Workers and Children (CWG-

CWC) highlight the gross violation of labourers' rights at Games sites. The unskilled workers are paid Rs 85-100 per day for 8 hours work as against the set wage of Rs 142. Skilled workers are given Rs 120-130 per day for 8 hour shift instead of the set wage of Rs. 158. According to Subhash Bhatnagar, head of Nirman Mazdoor Panchayat Sangam (NMPS) "workers on CWG projects are being made to work 12 hours at a stretch to meet the deadlines which is a complete violation of the Construction Workers' Act, 1996 which recommends a 48-hour working cycle per week. Workers work all seven days a week on normal wages and are not given any leave". To add to their woes, no proper housing has been provided to the workers, especially migrant labour. Many are living in tents near the construction sites. Those who have been given housing are forced to live in groups of six and eight in 10 feet by 10 feet hut with no electricity, ventilation or space to cook. The sanitary condition at the site is equally pitiable. A committee appointed by the Delhi High Court to investigate workers' conditions found that on an average there is one toilet for 50 workers.

In its bid to attract world attention and praise during the CWG through creation of super infrastructures and beautiful landscapes, the Delhi Government has ignored the welfare of its own citizens. The report has come out with some startling facts on this. It reveals that "funds from Delhi Scheduled Caste Sub Plan (2009-10) have been diverted to meet CWG related expenditures". It also highlights the declaration by Finance Ministry of Delhi while announcing the budget for 2010 which said "there will be no new health projects for Delhi this financial year". The report further underlines the severe financial crunch

caused by the CWG on Delhi's resources. It cites that initially, the Government of Delhi allotted Rs 1,189 crore to overhaul the city infrastructure. But, the disclosure by Delhi Finance and Public Works Department Minister, AK Walia puts the total expenditure by different agencies on infrastructure development in the run up to CWG to the tune of Rs 26,808 crore.

In the light of the above findings, the question that has been asked for so long comes up again. Why did the Government decide to host a mega event which it could ill-afford? Such events can only "add" to the pride of a country which is already fulfilling the welfare needs of its citizens including its poor. They can't alone be expected to bring "national honour" that too by depleting the reserves of the nation when around half of its population is living in acute poverty.

- CDHR Team

Endless Wait for Justice for Bhopal Gas Victims

The June 7, 2010 judgement by Bhopal Sessions Court on the Bhopal Gas Tragedy underpins the utter disregard of human rights faced by the victims at the hands of the Indian State and the judiciary. The Sessions Court of Bhopal handed over a two-year sentence to the eight accused on account of causing death due to negligence under Section 304A of Indian Penal Code. Two years are a mild conviction for the grave tragedy that killed thousands and caused irreparable health damages to numerous survivors. Bhopal Gas tragedy is the worst industrial disaster so far, but the judgement awarded in this case does not match even an iota of its gravity.

Twenty-six years ago, on December 2-3 in 1984, deadly methyl isocyanate leaked from the Union Carbide plant and exposed thousands to death and left many more with severe morbidity. This affected the lives of not only those directly present but coming generations as well, in the form of birth deformities and genetically transferred ailments. Not to forget the environmental damage that has resulted in poisoning of the ground water of the affected areas.

A calamity of such massive scale was matched by a two-year term for accused, equal to the sentence for causing death by negligence in road accident. This weak verdict has come as no surprise keeping in view the stand taken by the Indian state and judiciary all these years.

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To begin with, the unprecedented scale of devastation arising out of this calamity should have been sufficient for Indian state to crack the whip on the responsible party. On the contrary, Central Government of that time provided safe passage to Warren Anderson for going back to USA, after the Madhya Pradesh state government had kept him under house arrest for a few days on his arrival to India following this tragedy. It should be pointed out that this tragedy owes its occurrence to the serious safety lapses in Union Carbide (UCC) plant which were a direct result of cost cutting measures by the company. A safety audit of the plant in 1982 had spotted around 10 lapses (*The Pioneer, May 13, 2010*). These faults were left unattended in Bhopal plant but were

immediately fixed in its USA plant. This duality of UCC needs no further interpretation to figure out its disrespect for Indian lives contrasted with the utmost care for American counterparts. Still, the Indian state did not find these considerations meritorious enough to hold back Anderson and begin criminal proceedings against him.

Three years later, the Government of India (GoI) and UCC reached an understanding, overseen by Supreme Court, under which UCC was to pay \$470 million as against the 3 billion demanded by GoI as settlement for victims. In return, UCC was to be freed from all criminal charges of this case. The decision to remove criminal charges was challenged in Supreme Court by Rajkumar Keswani, a journalist who reported extensively on the potential danger of gas leak posed by Union Carbide plant, much before the calamity actually took place (www.news.rediff.com/interview/2010/jun/11/interview). As a result of this petition, the criminal charges were again included in the case. However, paltry settlement of \$470 million was duly accepted by the Government.



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The judiciary complemented the GoI in diluting the case to the extent that it

loses its purpose. Apart from initially approving the settlement between GoI and UCC, in 1996 a two judge bench of Supreme Court dropped section 304(II) which carries a maximum punishment of 10 years from the case and ruled that the accused could be charged with only section 304A which allows a maximum punishment of only 2 years. Taking this as the background, the ground for current ruling of June 7 was prepared 14 years back.

India, which prides itself as a “Welfare State” severely failed to protect the interests of its people who are victims of the worst industrial disaster. This raises questions on the commitment of Government of India towards its citizens. So far neither the victims have been compensated sufficiently nor the accused have received any worthy punishment. It seems that our government is more inclined to safeguard the interests of corporate giants such as Union Carbide than its own people. Otherwise, what else can explain the incompetence of the government to extradite Warren Anderson in all these years?

After the uproar in the media, the Centre has reinstated the Group of Ministers (GoM) to look into the issues of Bhopal Gas Tragedy and announced an additional compensation of Rs.1500 crore along with a plan of action to clean the plant. It has also decided to file a curative petition in the Supreme Court against the dilution of charges against those accused in the case. We can only hope that this measure succeeds in providing relief to the victims and their kin. But, a look at the track record of the Government in handling this tragedy raises suspicion that this time it will actually take its show of concern to its meaningful end.

- CDHR Team

Economic Blockade in Manipur: The Unforgiving Reality

For more than two months, 68 days to be precise, the people of Manipur survived without basic necessities as a result of an economic blockade imposed by two Naga student groups on the two national highways that connect the state with the rest of India. Yet hardly a month after suspension, the United Naga Council called for another blockade of 20 days from August 4, 2010 pressing for certain demands from the Indian government. In Manipur, a state already embroiled in problems of insurgency, army atrocities and economic backwardness, imposing blockades and bandhs have become the standard way of protest by any section of the society. This is an illegal approach which goes against the very idea of humanitarianism. The recent blockade crippled the overall economy of the state and disrupted normal life, recovering from which is far from complete.

In Manipur, a state already embroiled in problems of insurgency, army atrocities and economic backwardness, imposing blockades and bandhs have become the standard way of protest by any section of the society. This is an illegal approach which goes against the very idea of humanitarianism.

Economists believe the blockade resulted in a loss to the tune of Rs 4 crore per day. Manipur is a landlocked state with limited resources and external supplies come in through the two highways which are the state's lifelines. Due to the

blockade, the state had shortages of all essentials, including foodstuff, fuel and life-saving drugs. According to the estimates by the state government, by June 11, the state had 470 kilolitres of petrol as against the daily requirement of 75 kilolitres and 7,400 LPG cylinders as against 5,508 needed on a daily basis. The cylinders cost up to Rs 2000 and petrol Rs 150 in the black market, if they were available at all. Prices for everything else had likewise spiralled out of control. Schools and offices registered incrementally lower attendance as people ran out of fuel so did public transport. The wireless services also virtually collapsed due to fuel scarcity. Hospitals asked patients to leave as running intensive-care units became nearly impossible. Temporary and daily wage labourers became jobless as construction work stopped and agriculture got affected as well due to non-availability of diesel and fertilizers, bringing the state on the brink of famine (*Rediffnews, June 14, 2010*).



Vehicles form a queue for oil near a petrol pump in Imphal © the Economic Times

The blockade, which started on April 12, 2010 was held as a protest against the elections to Autonomous District Councils (ADCs) in Manipur hills

and the state government's decision to ban entry of Thuingaleng Muivah, the general secretary of National Socialist Council of Nagaland (Isaac-Muivah group) (NSCN-IM) – the outfit fighting for Nagaland sovereignty for decades – into Manipur. It was called off on June 18, 2010 when the Guwahati High Court intervened and ordered the Central and State government to keep the highways free from obstruction. The question is whether resorting to such extended blockade is justifiable, no matter what the issue is. Such acts of human apathy and utter disregard for human rights can only be condemned. The short term effect is the shortage and sky-rocketing prices but what is more risky is the plausible long-run effects. Such long blockades, according to economist Mohendro Singh from Imphal, can produce a gap in education, human capital formation and human resource development. Children under five being deprived of food and the right nutrition can lead to severe damages related to mental and physical health and impinge on future growth.

This is not the first economic blockade that the state has witnessed nor does it seem this would be the last. Manipur witnessed 628 bandhs and blockades during the last 15 years, causing a loss of Rs 2828 crore to the state exchequer, according to the state Chief Minister, O Ibobi Singh. At present, the pressing demand is that the government of India should protect the national highways, but that again is a temporary solution. Widely held perception by the people of Manipur is that the rest of India is not sensitive to their problems, a perception true to certain extent and often exploited by vested interests and separatists. Manipur itself has long been beset by insurgency and unrest. Coupled with a

dysfunctional polity, the state has not been able to take advantage of the development taking place elsewhere in India. There are dozens of armed ‘underground’ groups in the valley, while the hills are dominated by the largest armed rebel groups of the Northeast – NSCN. Though the national print media has always had representatives in the area, the Northeast still receives little visibility and there is lack of consistency in much of the coverage, particularly with long-held stereotypes about the northeast. Given the complicated logistics of the state and the northeast as a whole, it is high time that matters of the area were taken into immediate concern. The state government needs to ensure that the state’s issues are rightly put forward and the central government should be less passive in addressing them. The media and the civil societies as well as academicians can go a long way by providing more research and extensive exposure to the untold miseries and the infringement of human rights that happen on a day-to-day basis in the state. Only when the public at large are sensitized to the matters of the neglected state will there be action prompted from all corners of the society.

- CDHR Team

Khaph Panchayats- A Mindset Trapped in Time

In the month of June, one Delhi High Court judgement that garnered attention of all sections alike was the dismissal of a Public Interest Litigation (PIL) which sought amendments in the Hindu Marriage Act in order to ban same *gotra* marriages (*Economic Times, June 19, 2010*). This petition by an activist was not a random issue suddenly raised by an individual. It came in the middle of the commotion originally created by the

powerful caste councils of Haryana which are grabbing headlines every day. These caste councils, known as Khap Panchayats, have made it amply clear that same gotra marriages will not be tolerated in their society. So much so, that in several instances these Panchayats made the young couples pay with their lives for non-adherence of this social norm.



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These developments have not only brought to fore the stifling and rigid norms sustained by these Khap Panchayats but also touch upon various questions pertaining to gender bias, place of individual rights versus social norms in the fast changing times in India and the role of politics in social transformation.

The demand for amendment in Hindu Marriage Act is aimed at those who choose not to follow this custom. Hence, it goes against the constitution which guarantees freedom to each of its citizen.

The ire of the Khap Panchayats is, without an exception, always targeted at the girls of their community. Unfortunately, male dominance has always made women the torch bearers of family honour. The pride of the family is always epitomized by the extent of obedience, chastity and subservience of women. If a woman tries to claim her independence, that too in the sphere of marriage which is considered the prerogative of male family members from deciding when to marry her and to whom, she is made to suffer the horrifying consequences. The numerous instances of men in Haryana getting brides from distant states never become an issue. But, a woman marrying outside her caste or within the same gotra dilutes the honour of the family and that of the community.

Moreover, the whole rigidity and morality surrounding *gotra* which implies one's direct line of ancestry is questionable because there is no substantial proof that *gotras* today are an unbroken chain of genealogy. Hence, the belief that people from same *gotra* are siblings and forbidden to marry on account of incest lacks rationality.

To make matters worse, the Khaps even have the political support of their regional leaders. Naveen Jindal, Member of Parliament from Haryana and Bhupinder Singh Hooda, Chief Minister, Haryana have openly extended their support and approval to these extra judicial bodies. Naveen Jindal even went to the Union Government, on behalf of these Khap Panchayats, asking for an amendment in Hindu Marriage Act, 1955 banning same *gotra* marriages. Such is the state of affairs in Indian politics where political leaders have the audacity to promote such retrograde social norms instead of doing away with them, just to keep the count of their votes intact. Those who believe in such restrictions will abide by them morally even in the absence of any law. Implicitly, the demand for amendment is aimed at those who choose not to follow this custom. Hence, it goes against the constitution which guarantees freedom to each of its citizen.

Sanctions of Khap Panchayats on marriages also underpin that marriage is still not an individual matter. It is very much a concern of family and immediate community alike. Hence, Khaps derive their clout to interfere to a violent extent through this deeply embedded belief.

It also brings into conflict the question of individual rights and social obligation. So far majority of Indian society, especially rural, have ably managed to keep succeeding generations from deviating from age old social customs without giving them any choice to decide on their own. Now, with liberalization, education and media influence reaching even smallest villages, the new generation is departing from blindly followed social rules. Emerging cases of choosing the life partner of one's own preference by overruling the diktats on same *gotra* or caste divides is a development in this direction. But, the guardians (Khap Panchayats in this case) of the old tradition see this as an undesirable deviation from the mandatory practice of following the set norms. They want to trample on this "polluting western influence" in its embryonic stage. The abhorrent decisions of annulling same *gotra* marriages or supporting honour killings of young couples speak volumes for this type of approach.

There has to be a limit to which a society can govern itself. In the wake of this, the recent step by the Centre to introduce a separate provision for criminal liability on participants in Khap Panchayats' murderous decisions under Section 300 (definition of murder) of Indian Penal Code is a desired step forward. Under the proposed law, those who dictate a decision to kill young couples would be as much liable for

murder as the assassins. This should give a sigh of relief to those families and young couples who bear the brunt of these traditions, upheld by these bodies.

- CDHR Team

Imposing the Veil and Administration's Apathy in Aliah University

Few weeks back, the *burqa* (veil) controversy reached the Indian shores as well. The students union of Aliah University in West Bengal decreed all the female students and teachers to wear *burqa* as a part of 'modest dressing norm' in the campus. All the teachers gave in to the pressure except one, Shireen Middy, a 24 year old Bengali teacher. She stood her ground but had to fight hard and long for this. When the issue went to the authority of the campus, they labelled the incident as stray and clarified that the institution does not have any dress code. Instead of taking any stringent step to discipline the students union, the campus authority exhibited a laidback and mild stand and asked Shireen to avoid going to the campus and also shifted her to the other campus on temporary basis to avoid any further unpleasant turn of events. Shireen turned towards West Bengal state minority affairs ministry but failed to get any immediate relief. Only when the media highlighted her case did the authority swing into action and reinstated her back to the main campus.

The incident has brought to fore the ubiquitous and deep-seated misogynist tendencies of certain groups in the name of their culture and faith. The campus authority might have passed off the incident as a stray one in their institution but such occurrences are sprouting in other parts of the country as well. An Islamic organisation in Kerala ordered a young

Muslim girl residing in Kosargod town of Kerala, also a degree holder in aeronautical engineering from Chennai, “to wear traditional Muslim dress”. When the girl declined buckling under pressure, she was threatened with dire consequences. She had to move to Kerala High Court to retain her freedom and ward off these extremists.



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Every religious community has the freedom to follow its culture and religious identity under the idea of secularism in India. But such freedom should not violate the personal liberty of another individual.

Such episodes point towards increasing propensity of extremist elements to turn to intimidation and coercion to force their patriarchal and conservative interpretation of their religion on the women folk of their community and *burqa* has become the defining marker for this. If the women want to come into their own and live their lives by claiming freedom to education, work or dress the way they want, the clergies, extremists and in recent case the students union quickly rush to keep them at least one step back in their efforts through such acts. What adds to the already grim picture is the safe playing attitudes displayed by those at the helm and only works to strengthen the brazenness of these outfits and religious clergies who then unabashedly carry out their diktats.

Every religious community has the freedom to follow its culture and religious identity under the idea of secularism in India. But such freedom should not violate the personal liberty of another individual. If a woman wants to wear burqa out of her own free will to assert her religious identity or as a part of modest dressing, then no one can question her decision. But, if the same burqa is forced on her, it ceases to remain only a religious symbol and becomes a tool in the hands of fanatics to suppress her identity and free choice. After all, the question of modesty and religious practice must depend only on her sensibilities and not on self appointed protectors of culture.

The state must safeguard the freedom of those women who defy the age-old practices in favour of their individual headstrong beliefs. It needs to remove its own veil of electoral politics and stop being a silent appeaser who is wary to go against the whims of fanatics and minority politics.

- CDHR Team



The Centre for Development and Human Rights (CDHR) is, a research organisation based in New Delhi and is dedicated to bringing theoretical clarity to the concept of Right to Development by integrating the academic disciplines of law, economics, international co-operation and philosophy.

The Centre is involved in:

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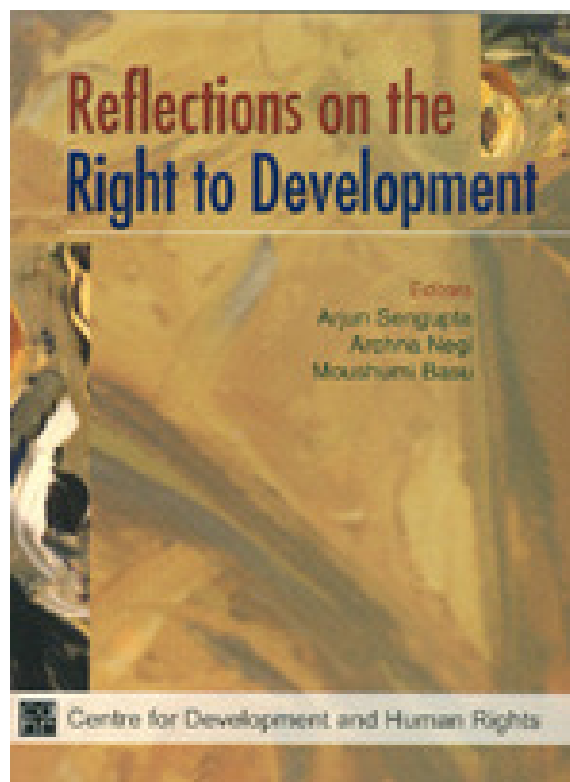
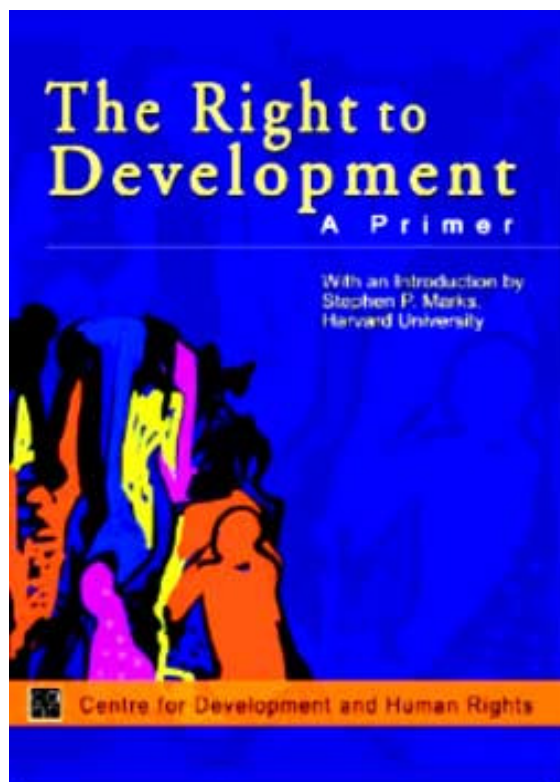
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