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Voice of Minorities & Oppressed people in South Asian Societies



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Sir Ganga Ram Heritage Foundation www.sgrhf.org.pk

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Editorial

Chalo Nagpur is a historic event in womens movement. A Campaign to end the culture of gender based violence within homes, communities and societies. There has been many movements in India but they always encampasses some issue or incident as Una incident, suicide of Rohith Vemula etc. This movement is unique in the sense that it is the voice of marginalized women from among or within a minor, weaker gender based section of the society. Chalo Nagpur is a reminder given by the women that they will not keep quite but instead speak out on violence and hatred against marginalized women and how it leads to more marginalization of women. It is a protest against feudalism, casteist and daily discrimination.

This is for the first time such a diverse group of women were taking their protest to Nagpur, the headquarter of RSS which represent Hindutva and Manuvad thought process. Nagpur is where Dr BR Ambedkar embraced Budhism and also the home of movement by Ambedkar for rights of women and Dalits. This march drew its inspiration from historic life and working of Savitribai Phule, a teacher, writer, poet and casteist patriarchy by educating women and Dalits and exposing hollowness of manumriti. It is an extraordinary movement because it was an intersectional attempt of gathering women from all walks of life and different backgrounds, transcending creed, caste, class, rural and city obstacle to protest what marginalized communities face in India. We rise to assert our voice, our rights and protection guaranteed by the constitution. Women from Dalits, Adivasi ,Bahujan and minority community, women from different faiths, disabled, queer, transgender people, sex workers, nomadic tribeswomen and students gathered to protest against ever growing attacks on minority groups by Hindutva. They reiterated that in a secular democratic state no one has the right to discriminate, humiliate, violate, oppress or commit atrocities against any person or community based on their identity.

Chalo Nagpur was a viberant and unique movement against Bramhical patriarchy, domination, manuvad and Hindutva upper caste. It challenged the patriarchal and fascist structure and generated hope that girls and transgender people can be formidable resistance to the growing fascist and anti-women forces in India.

Editor



National Assembly unanimously adopts Hindu marriage law



The National Assembly unanimously adopted the Hindu Marriage Bill, 2017 and with it the process of legislation for a personal law for the country's Hindu community has now come to an end.

The bill was approved by the Senate in February this year with an amendment. It was first approved by the National Assembly in September last year. It has now been approved with the inclusion of *Shadi Parath* - a document similar to Nikahnama.

The bill will likely get presidential on Friday to become a law.

The *Shadi Parath*, titled as 'Schedule A' in the bill, will require to be signed by a pundit and will be registered with the relevant government department.

The simple document has eight columns starting with the date of marriage and followed by name of the union council, tehsil, town and district.

The document has columns for the particulars of the bridegroom - his name and father's name (along with their CNIC numbers), date of birth, date and place where the marriage is solemnised, temporary address, etc. It also contains the matrimonial status - single, married divorced widower and number of dependents.

Similar details are required for the bride, except for one change. Her mother's name has also to be written in the document.

Both the bride and the groom have to sign the document along with one witness and the registrar.

The Hindu marriage bill is the first personal law to regulate marriages of Hindus living in the country. It will help Hindu women to get documentary proof of their marriage.

The bill was presented by Senator Kamran Michael, Minister for Human Rights, in the National Assembly.

"There was no law to regulate the registration of Hindu marriages and ancillary matters thereto", he said.

The minister said the incumbent government was committed to protecting and promoting human rights, including the rights of women and minorities.

The Hindu marriage bill provides for mechanism for registration of Hindu marriages which includes conditions for contracting the marriage, procedure for dissolution of the marriage and the grounds on the basis of which such marriage can be dissolved.

It also provides for the concept of judicial separation where marriage remains intact, but parties are no longer under obligation to cohabit with each other.

Moreover, the legitimacy of children born out of void and voidable Hindu marriages has also been protected.

After becoming a law, it will be applicable in three provinces - Punjab, Balochistan and Khyber Pakhtunkhwa - as the federal government has obtained resolutions from these provinces. Sindh province has already formulated its own Hindu Marriage Law.

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INDIA



Chalo Nagpur: India's women's march against fascism and caste



Women from all ethnic backgrounds and walks of life spoke up for women's rights in Nagpur, writes.

By Mari Marcel Thekaekara



On 10 March, 'Chalo Nagpur' was the rallying cry of thousands of Indian women and sympathetic supporters. It means 'Let's go to Nagpur', but 'Chalo' is

also a sort of archetypal call for protest used since the start of the Independence movement in India.

Nagpur, capital of the Indian state of Maharashtra in the west of the Indian peninsula, was specifically (and rather boldly) chosen, because the city is the headquarters for Hindutva movement who have attacked Indian women for not being 'traditionally dressed', or for behaving in a manner which is judged unHindu or unIndian by their own definitions.

Women from all over the country arrived at Nagpur to celebrate Indian womanhood, but also to register a huge protest against casteism, patriarchy and discrimination of all kinds. To quote the invitation that arrived to me, 'The context for this event is one in which the walls of inequality and hate are growing high and stifling the expression of humanity. Voices raised against communalism, feudalism, casteism and patriarchy are being stamped out. It is critical to assert today that whether our

identity is linked to caste, religion, community, sexuality, gender, disability, occupation or age, every citizen of this country should have access to their constitutionally guaranteed rights.'



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Translated, this meant that the women were gathering to express themselves in a gigantic cultural programme against forces of hatred and intolerance on 10 March, the 120th death anniversary of Krantijyoti Savitribai Phule, an inspirational woman who fought for dalit rights in the 19th century.

Inspired by her strength and determination in spite of formidable odds, the women raised a collective fist against injustice and atrocities. Dalit women, Muslim, adivasi, bahunjan, minority, differently abled, queer women, transgender people, sex workers, nomadic tribeswomen, students all protested together for justice, friendship, peace, freedom, equality and respect.

The outpouring of emotion, pain and anguish when powerful women from all walks of life, transcending creed, caste, class, city and rural barriers come together is something phenomenal.

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Manjula Pradeep, a dalit leader, says, 'It was a historic event. Women from diverse backgrounds, with varying ideologies came together to express our anguish and fear at the increasing exploitation of women in the name of communalism, that is the big Hindu-Muslim divide, and the Hindutva forces humiliating and beating up women and men on Valentine's day, in parks and on beaches, in the name of protecting Hindu culture and tradition, is horrible. 'We do not want the country taken over by such people.

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'We do not want the country taken over by such people.

'Also amazing is the fact that dalit women have finally carved out a space for themselves in the womens' movement. We have overcome many hurdles. We were in the forefront of the organizing and management of this event. We also funded it entirely on our own. Women paid their own fares, for their food, for everything. That's rare at any kind of public forum.

'We were so inspired by the success of this event, we plan to move nationwide and hold similar rallies in different big cities.'

Shabnam Hashmi is a Delhi woman

from the opposite side of the spectrum: she comes from a privileged, elite background. But that did not spare her pain and suffering: in 1989, her activist brother was murdered while performing in a street play. Shabnam has devoted her life to fighting the forces of Hindutva and by organising for peace and harmony between Hindus and Muslims.

'Chalo Nagpur was a rare, extremely vibrant meet which saw more than 3,500 women from diverse backgrounds coming together against patriarchy, upper caste domination and Hindutva. It challenged the patriarchal and fascist structure through songs, poetry, slogans, exhibitions and bold speeches. It generated hope that women and transgender people can be a formidable opposition to the growing fascist and anti women forces in India.'

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It's a rare note of hope in these troubled times. All power to our women.

Source: New Internationalist



INTERNATIONAL



UPR 2017 recommendations: Caste discrimination in India and the UK



India and the UK will be up for review by the Universal Periodic Review (UPR) mechanism of the United Nations Human Rights Council on 4 May 2017.

Ahead of the reviews fact sheets and UPR submissions concerning the situation of Dalits in the two countries have been prepared. The reviews are in place to examine the extent to which the two countries are upholding their international commitments on human rights. Dalit rights activists and organizations are urging states to act on holding both governments accountable to their obligations to combat caste discrimination.

Submissions:

Caste discrimination in India - UPR review 4 May 2017:

UPR fact sheet on caste based discrimination including follow up from the last review and recommendations - prepared by the National Campaign on Dalit Human Rights (NCDHR)

Dalit Human Rights Defenders facing greater risks

DHRDs remain at risk of life threats for defending the rights of marginalized communities. National Dalit Movement for Justice (NDMJ) have documented targeting of DHRDs on the basis of their caste, including 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. In response to an appeal by

DHRDs following the murder of fellow DHRD, Chandrakant Gaikwad, UN Special Rapporteur on the Situation of Human Rights Defenders, Margaret

UN Special Rapporteur on the Situation of Human Rights Defenders, Margaret Sekaggya, explicitly addressed the position of DHRDs in India.



Sekaggya, explicitly addressed the position of DHRDs in India: "Dalit rights activists strive for the promotion and realization of Dalits' civil, political, economic, social and cultural rights. The range of human rights violation they suffer is appalling.

Non-implementation of protective laws and access to justice for Dalit

In 2013, there were 46,114 cases registered under the POA Act. The number increased to 47,064 in 2014 and the percentage of pending cases has increased from 79.9 % in 2011 to 85.3% in 2014 according to the NCRB data.

In 2014, the NCRB reported 2233 registered rapes of SC women an average of 6 rapes per day. Moreover, the number of registered rapes of SC women has risen steadily over the years, from 1089 in 2003 to 2073 in 2013, marking a 47.5% increase over the past decade.

As per National Crime Records Bureau (NCRB) data, a total of 1,88,991 crimes against SCs were registered under different laws from 2011 to 2014. Overall, the year 2014 witnessed an increase of 19.4% in total crimes committed against SCs over the previous year, while the year 2013 witnessed an increase of 17.1% in total crimes committed against SCs over the



The former UN High Commissioner for Human Rights, Navi Pillay, has noted that, “An estimated 90% of manual scavengers are Dalit women who face multiple vulnerabilities and discrimination based on their caste and gender, and who are often exposed to violence and exploitation.

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For 2014, the conviction rate for rapes of SC women stood at 34.9%, though this has to be understood against the backdrop of the high pendency rate of 81.6% for rape cases.

The vulnerability of SC women is further exacerbated by their marital status. Widowed women face harassment, evictions, sexual exploitation and abuse from family members and other villagers.

Over 2,500 women have been killed under the suspicion of practicing witchcraft in the past 15 years. All have been poor and most have been from marginalized SC& and ST communities and either owned property or rejected

the sexual advances of dominant men in the community. The former UN High Commissioner for Human Rights, Navi Pillay, has noted that, “An estimated 90% of manual scavengers are Dalit women who face multiple vulnerabilities and discrimination

based on their caste and gender, and who are often exposed to violence and exploitation.

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Joint Stakeholders' Report on Caste Based Discrimination in India (NCDHR)

Alternative report by The Working Group on Human Rights in India including concerns over Dalit rights.

Caste discrimination in the UK - UPR review 4 May 2017:

Key facts and recommendations on caste-based discrimination for the UK UPR 2017 prepared by the Dalit Solidarity Network UK (DSN-UK)

Joint alternative report on caste-based discrimination in the UK submitted by IDSN and DSN-UK.

Source: India Universal Periodic Review. UN



INDIA



Report: Widespread child slavery in India's yarn industry, most victims are Dalits

Despite efforts to curb child slavery in India's spinning mills the practice continues and 60% of the victims are Dalits - says newly released report.

The India Committee on the Netherlands (ICN) report 'Fabric of Slavery - Large-scale forced (child) labour in India's spinning mills' shows that various forms of modern slavery, including child slavery, are found in more than 90% of the spinning mills in South India. These spinning mills produce yarn for Indian, Bangladeshi and Chinese garment factories that produce garments for the Western market.

In the press release issued by ICN it is stated that the majority of those working under these conditions are Dalits or 'outcastes' - who are enslaved by employers who may withhold their wages or lock them up in company-controlled hostels. They may work long hours, face sexual harassment and may not earn the minimum wage.

"We have raised the issue for five years now, but even to us the scale of this problem came as a shock," said Gerard Oonk, director of ICN in the press release.

Researchers in South India spoke to workers in 743 spinning mills in Tamil Nadu, almost half of all the mills in the region. The majority of the women working in those mills are between 14 and 18 years old; 10 to 20% are even younger. Almost half of the researched mills have a so called 'Sumangali Scheme', where a significant part of worker's wages is withheld until they have completed their contract.

United Nations pushing for action to end caste related slavery

Over the past many years IDSN has continued to bring attention to the problem of Dalit girls working as Sumangali workers. IDSN has worked to promote the findings in previous ICN reports, as well as to bring attention to this in the UN and EU and with garment producers at the international level. This was also a key topic at the UN side-event on Caste and Gender-Based Forced and Bonded Labour where the UN Special Rapporteur on contemporary forms of slavery addressed the linkages between caste, gender and slavery.

The Special Rapporteur referred to the increased vulnerability to contemporary forms of slavery of people belonging to lower



castes being exacerbated by intersecting gender discrimination to create a “vortex of continuing economic disadvantage and political disempowerment”.

On 15 September 2016 the UN Special Rapporteur on Contemporary Forms of Slavery, Urmila Bhoola, presented her annual report to the Human Rights Council, focusing on global trends of debt bondage, reflecting the information received from a range of stakeholders. Dalit Solidarity Network -UK and their partner READ (Rights Education and Development Centre) made a submission to the report, sharing their first-hand knowledge of addressing the issue of debt bondage and forced labour of children, in particular, under the sumangali scheme.

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Recommendations for progress

While some progress has been made. It is clear that much more action needs to be taken and the report offers key recommendations for how to eliminate slavery in the industry to the spinning mill industry, International buyers/brands, governments in importing countries, the government of India, the Tamil Nadu state government and district government

According to ICN, advocacy and action on 'Sumangali schemes' by NGOs, unions and brands has contributed to reducing the incidence of such schemes, but has not tackled the issue of modern slavery in all its dimensions. Multiple factors contribute to this failing including: the poor enforcement of labour laws, the power of the industry, superficial audits by buying brands and lack of initiatives that increase joint leverage of brands. A few mills, often under pressure from their Western buyers, have addressed labour concerns in cooperation with local organizations. To sustain and upscale those successful initiatives, brands and governments from importing countries should use their collective leverage to tackle this structural form of slavery in co-operation with the central and state governments, the industry and local trade unions and NGOs.

The report received wide publicity, including though publications in the national Indian newspaper The Hindu and a globally published article by Reuters. Also various fashion websites published articles on the report and the global garment brand C&A responded. In the Netherlands parliamentary questions were raised after publication of the report.

Source: International dalit Solidarity Network





Sri Lanka Lifts Unofficial Ban on Tamil National Anthem on Independence Day



Colombo: Lifting an unofficial ban, Sri Lanka's national anthem was sung in Tamil at a ceremony in Colombo to mark the country's Independence Day, in an effort to achieve reconciliation with the ethnic minority community.

School children rendered the Sinhala and Tamil versions of the national anthem at a colourful celebration at the Galle Face Green Park to mark the 68th anniversary of Sri Lanka's independence from Britain.

The move, despite opposition from some quarters, is being seen as an effort by the government to reach out to the Tamil minority after the nearly 26-year war with the Liberation Tigers of Tamil Eelam (LTTE) that ended in 2009.

About 100,000 people were killed during the civil war. "A new journey begins by reinstating the singing of the national anthem in Tamil," said Deputy Minister for Public Enterprise Development Eran Wickramaratne.

Deputy Foreign Minister Harsha de Silva in a Facebook post said: "A first in my lifetime. After many years the Independence Day celebrations came to a close with the national anthem sung in Tamil."

President Maithripala Sirisena since becoming President in 2015

by defeating Mahinda Rajapaksa, under whose leadership the Sri Lankan forces defeated the LTTE, has begun several actions to win back the Tamils in the reconciliation process.

President Maithripala Sirisena says he will unite the nation, a process which has not been given prominence since independence. Sirisena's hard-line predecessor Mahinda Rajapaksa was accused of further alienating the Tamil community by his post-war triumphalism. He had imposed an unofficial ban on the Tamil version of the national anthem.



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In his speech Sirisena said his political opponents were trying to create fear among the armed forces that fought the war that they will be penalized for rights abuses. He pledged to promote ethnic reconciliation while safeguarding the country's sovereignty and respect of the military.

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At last year's Independence Day celebrations a 'Declaration of Peace' was read out paying respects to all ethnic groups killed in the civil war with a pledge not to allow violence to recur.

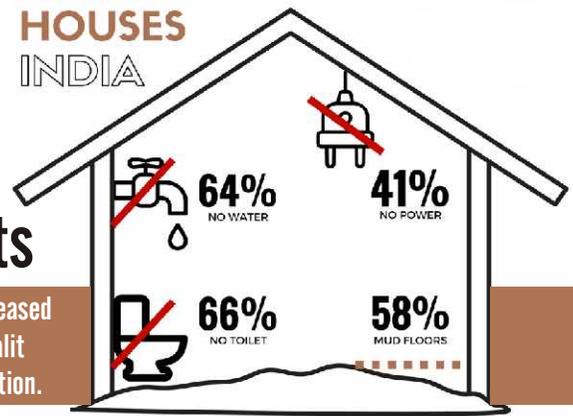
The Peace statement was delivered in all three languages by school children.

Source: mail Online



UN Expert Report: India must act on access to adequate housing for Dalits

The UN Special Rapporteur on the right to adequate housing, Leilani Farha, has released a report on housing in India. The report draws attention to the alarming state of Dalit houses and the need for Government action to improve housing and end discrimination.



The report cites Government statistics revealing that Dalits on average live in lower quality housing, made with inadequate materials compared to the general population and finds the lack of access for Dalits to latrines, at 66%, particularly alarming.

The report states that the manual removing of human excrements from dry latrines, known as manual scavenging, persists and is not being dealt with effectively. It also states that those engaged in manual scavenging, primarily Dalits “suffer from deplorable housing and living conditions”.

Discrimination in access

The Rapporteur furthermore points to evidence of caste discrimination in the rental market and refers to the Committee on the Elimination of Racial Discrimination 2007 recommendation that India intensify its efforts to effectively punish acts of “untouchability”, and take effective measures against residential segregation.

“I am extremely concerned for the millions of people who experience exclusion, discrimination, evictions, insecure tenure, homelessness and who lack hope of accessing affordable and adequate housing in their lifetimes.” Ms Farha said in a press statement on her visit to India.



The report points out that discrimination and inequality in terms of access to and the availability of

adequate housing and land were repeatedly raised with the Special Rapporteur on her visit as issues of concern. According to the report this discrimination includes not only actions or omissions by all government authorities, but also the lack of effective mechanisms to ensure protection from an array of private entities, such as private landlords, developers, megaproject construction companies and extractive industries.

Recommendations to the Government of India in the report include:

- Enact legislation to curb de facto housing discrimination and finding specific measures to enforce existing legislation
- Enhance monitoring and protection against discrimination in relation to rental accommodation, access to credit, inheritance and ownership.
- Invest more in alternative housing policies that better suit those who face traditional practices of exclusion and discrimination
- Adopt national legislation with explicit recognition of the right to adequate housing without discrimination on any ground.

Inadequate housing in relation to caste-affected communities and caste discrimination in access to housing is unfortunately not unique to India, but is found in many caste-affected countries. In Yemen, for example, a UNICEF survey has found three out of four Muhammashen (outcastes) houses had only 1 room, only 9% had piped water and only two in five houses had latrines. This was markedly worse than the general population.

The Rapporteur will present her report at the UN Human Rights Council in March, 2017 where India and UN member states will have the opportunity to reflect on the report through an interactive dialogue session.



Bangladesh must step up efforts to address caste discrimination say rights activists at UN review

Ahead of the review IDSN, NNMC and BDERM submitted an alternative report to the Committee, documenting how the Dalit population in Bangladesh continues to be exposed to systemic discrimination based on caste. The report also highlights the most prevalent forms of discrimination against Dalits, including restrictions in their access to adequate housing, land, water and sanitation and discrimination by employers.

Dalit rights and caste were mentioned in the list of issues by The National Human Rights Institution of Bangladesh and a joint civil society report from Bangladesh, as well as very briefly in the response from the State party to the list of issues.

In Bangladesh Dalits face discrimination in their access to housing and land. They are segregated in colonies and unhygienic slum areas and are often systematically excluded from access to water and sanitation.

While members of the Bangladeshi capital's non-Dalit population mostly boil or filter their water, the economically deprived and discriminated Dalits often have to make do with unsafe water sources. Though numerous measures by the Government of Bangladesh (GoB) have been made to improve water and sanitation services for the general population in urban as well as rural areas have had little effect on the country's Dalits as Dalit issues generally are unrecognized.

The majority of Dalits are landless and their houses are often located in abandoned fields, on khash (government owned) land near roads or pasture. Dalits face widespread poverty; ostracization and food insecurity are subjected to land grabbing, violence and forced conversion.

The Constitution of Bangladesh guarantees the rights of every citizen and states that "the State shall not discriminate against any citizen on grounds only of religion, race caste, sex or place

of birth" (Article 28(1). However, there is a lack of specific references and legal framework to address specific to discrimination against Dalits and explicit prohibition of 'untouchability'.

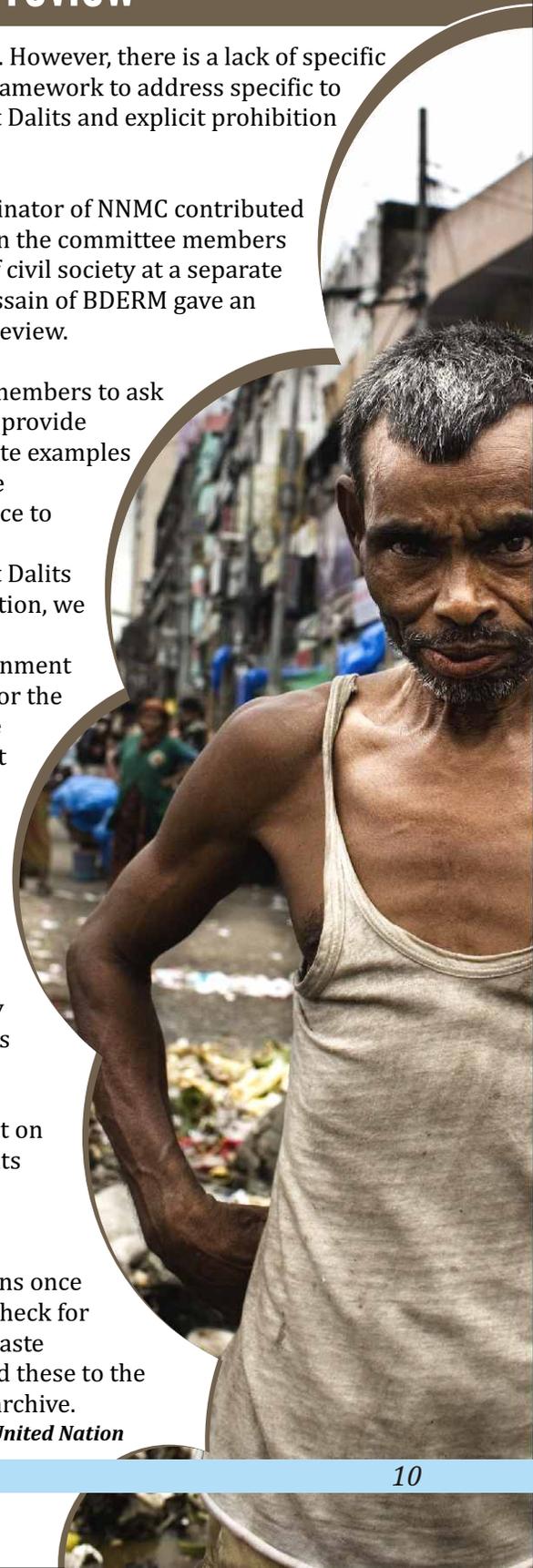
Sarah Marandy, Coordinator of NNMC contributed to discussions between the committee members and representatives of civil society at a separate meeting and Zakir Hossain of BDERM gave an oral statement at the review.

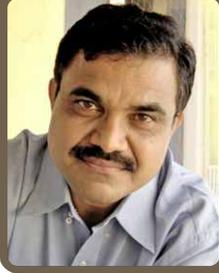
"We urge Committee members to ask for the government to provide information on concrete examples of initiatives which the government will enforce to eliminate the existing discrimination against Dalits in Bangladesh. In addition, we urge the committee to recommend the Government to provide a timeline for the urgent adoption of the anti-discrimination act from 2014," *Zakir Hossain, Bangladesh Dalit and Excluded Rights Movement (BDERM)*

The review was conducted by the body of independent experts that monitor the implementation of the International Covenant on Civil and Political Rights (CCPR).

IDSN will monitor the concluding observations once these are released to check for adequate mention of caste discrimination and add these to the IDSN documentation archive.

Source: United Nation





Robbing Rohith of His Dalitness

By: Anand Teltumbde



The basic question that the Rohith Vemula case raises is about the existence of the rule of law in India. If his mother Radhika Vemula was rich, there would have been no issue about Rohith's caste and all people named in the FIR for abetting his suicide would have been in jail. But her fault is that she lived off the pittance that Rohith sent her from his paltry fellowship!

This January saw the first anniversary of Rohith Vemula's martyrdom. Throughout 2016 there were concerted agitations to get justice for Rohith and these efforts still continue. On his first death anniversary (17 January), the Kula Nirmulana Porata Samiti (KNPS), Telangana, which has spearheaded one of these agitations in Hyderabad, had organised a public meeting in the city. After the meeting the KNPS activists accompanying Rohith's mother Radhika and his younger brother Raja wanted to pay their homage to his shrine in Veliwada in the Shopcom plaza of the Hyderabad Central University (HCU), which was Rohith's home, along with four of his comrades when they were ousted from their hostels by the university authorities. However, the police did not allow them to enter and instead detained them. They were released several hours later because of public pressure. When Rohith died, the police had filed a first information report (FIR) under the Scheduled Castes (SC) and Scheduled Tribes (ST) (Prevention of Atrocities) Act against Apparao Podile, the controversial vice chancellor of the HCU, Union Minister of Labour Bandaru Dattatreya, and N Sushil Kumar, the Akhil Bharatiya Vidyarthi Parishad (ABVP) leader, whose false statements had been at the root of the episode, for abetting Rohith's suicide. The act warrants that the persons are immediately arrested but the police did not do so. They took shelter under the controversy raked up by the Bharatiya Janata Party (BJP) about Rohith's caste based on the allegation that he was not a Dalit.

Caste of the Cunning

To prevent the arrest of Dattatreya, Apparao and Kumar, the BJP slyly sparked off this controversy about Rohith's caste. The party's leaders like union ministers Sushma Swaraj and Thawar Chand Gehlot whipped it up. After a fact-finding committee of the National Commission for Scheduled Castes (NCSC) established the responsibility of the university for Rohith's death, the then Union Minister of Human Resource Development (HRD) Smriti Irani, set up a

one-member judicial commission comprising former Allahabad High Court judge A K Roopanwal on 28 January 2016 to probe the circumstances leading to his suicide. This judge forgot his brief and instead observed that Rohith was not a Dalit. Roopanwal was very well aware that the Guntur district collector Kantilal Dande, who is the competent authority in this matter, had already confirmed in his report to the NCSC that Rohith was a Dalit. P L Punia, chairman of the NCSC, also reiterated that all records and his investigations proved that Rohith indeed was a Dalit. Not to be unnerved, and with its characteristic perseverance, the BJP commissioned one Darsanapu Srinivas, a Dalit, but belonging to the Hindu Dharma Rakshak Sangh to complain to the Guntur collector against Rohith's brother, Raja Vemula. The complaint was that Raja had fraudulently obtained a caste certificate saying he was a Dalit. The collector, having already confirmed Rohith as a Dalit, could have dismissed the complaint but he forwarded it to the District Caste Scrutiny Committee. This committee expectedly enough gave a report that Raja was not a Dalit. Raja in his response has dismissed the contention. Interestingly, the case law in the matter is clear that in inter-caste marriages between a SC/ST woman and an uppercaste man, the caste of the offspring shall be decided upon by the circumstances of the child's upbringing. In a judgment defining the rights of children born out of inter-caste marriages, the Supreme Court bench comprising Justices Aftab Alam and R P Desai held that "the determination of the caste of such a child was essentially a 'question of fact' to be decided on the basis of evidence in each case." The child can claim the mother's caste if he or she is brought up by the mother as an SC or ST.¹ This landmark judgment held that the appellant who was born of a tribal mother and Kshatriya father would get tribal status since he was brought up in the mother's environment. This judgment was subsequently cited by many high courts in granting children the SC or ST status on the basis that they were brought up by their mothers in their environment. In Rohith's case his mother belongs to the Mala community (a Dalit sub-caste), had separated from her husband who is a Vadera (Other Backward Classes OBC) and brought up her children in a Dalit colony. The fact that Rohith grew up with Dalit consciousness, lived, suffered and even died as a Dalit, exemplarily confirmed to the circumstances the Court depicted. It could be doubted only by ignoramuses or rogues.

Monumental Injustice

The entire episode is fraught with institutional caste bias, blatant injustice and incompetence of the powerful people involved like the vice chancellor of the HCU and the then HRD minister. It is actuated by the BJP's stratagem to capture power. The then HRD minister, engulfed in a controversy about falsifying her educational qualifications, assumed her mission was to saffronise the higher education institutions. While she could manage to instal people with discernible connections to the Sangh Parivar and with questionable academic credentials to head prestigious institutions of learning, when it came to students it was not as easy. The appointment of Gajendra Chauhan, a small-time actor in third-rate movies, by another ministry was doggedly resisted by the students of the Film and Television Institute of India (FTII). Through her, the BJP planned to capture prestigious campuses for its student wing, the ABVP. This was to be done by pliant administrations headed by the party's confidants and by suppressing the leftist student unions. It is significant that the first action on this course was taken against the Ambedkar Periyar Study Circle (APSC) in the Indian Institute of Technology (IIT), Madras. When there were widespread condemnations and protests, it swiftly back-tracked and shifted its target to the HCU, known for the activism of its Dalit students. The APSC was accused of casteist politics besides spreading hatred against Prime Minister Narendra Modi. The caste accusation squarely boomeranged. Therefore, the government added the accusation of anti-nationalism, the winning theme from its fascist repertoire, when it opened its new front targeting the Ambedkar Students Association (ASA) in the HCU. The actions of the university authorities from the time that the clash between the ABVP and the ASA occurred and which eventually took Rohith's life to the present when it is terrorising students and faculty who are demanding justice are blatantly partisan, biased, unlawful, and politically motivated. In this case the NCSC, which is the constitutional body to protect the interests of the Dalits, is itself agitated against the prejudicial acts of commission and omission by the government. Invariably, in most cases whenever it took up the cudgels for the Dalits, which is its duty, it found itself utterly helpless. This being the state of the constitutional entity, the plight of ordinary Dalits can be imagined! By now it is clear that the present dispensation at the centre would protect its executioners at any cost. But the Telangana state, for the creation of which hundreds of thousands of Dalits shed their blood, bared its fangs too while being an accomplice in the BJP's malicious design. The vehemence

and ferocity with which its police have been acting against protesters exposed the fact that the Telangana Rashtra Samithi that rode to power exploiting the sentiment of the poor is no less anti-Dalit than the BJP. Going by the conduct of its Chief Minister K Chandrashekhar Rao who shamelessly makes costly offerings to the Hindu gods at the cost of the poor people of Telangana, it is clear that he is more saffron than anybody around. When such naked acts of the state in utter disrespect of the Constitution meet with mere whispers from the mainstream media, one wonders what nadir the people of this country is waiting for.

No Rule of Law

The basic question that the Rohith Vemula episode raises is about the existence of the rule of law in India. If Radhika



The child can claim the mother's caste if he or she is brought up by the mother as an SC or ST. 1 This landmark judgment held that the appellant who was born of a tribal mother and Kshatriya father would get tribal status since he was brought up in the mother's environment. This judgment was subsequently cited by many high courts in granting children the SC or ST status on the basis that they were brought up by their mothers in their environment.

Vemula had tons of money, there would be no issue relating to Rohith's caste and all the people named in the FIR would have been in jail. But then, she lived off the pittance Rohith sent her from his paltry fellowship! The law in India is inaccessible to the poor. The money-driven judicial system forces over 90% of Indians to silently endure injustice. As for the Dalits, they are blinded by the notion that it is their Babasaheb Ambedkar's Constitution that runs the state. They refuse to see the reality that right from Kilvenmani in 1968 which marks a distinct genre of caste atrocities in modern India, there has not been any conviction in major crimes. Even in the cases of infamous massacres of poor peasants in Bihar in the 1990s and early 2000s, most of whom were Dalits, by the private armies of landlords, the Patna High Court is acquitting all culprits with cut-and-paste judgments in case after case. The problem is not confined to the Dalits alone, it largely relates with the class of the people. It is tom-tommed that India is the largest democracy in the world but in reality

it acts as the worst form of plutocracy. The rich in India can buy justice at every mode of its delivery. The misdemeanour of the police vis-à-vis poor is legend. But the legal system is also not immune to the influence of money. The recent cases of Salman Khan being acquitted from all crimes and Jayalalithaa managing to complete her two and half terms as chief minister after getting convicted by the court are glaring examples. Even after conviction in some grave cases like Sanjay Dutt's, money can buy one special treatment. The nakedness of this injustice becomes stark when you see innocent Dalits, Adivasis and Muslims being incarcerated for years in jail and even sent to the gallows. Rohith is gone. Justice to him will never be done. But why torment him by robbing him and his family of the Dalitness that he espoused and died for?



Landmark UN guidance tool on caste discrimination launched in Kathmandu

In a historic event in Kathmandu, the United Nations Office of the High Commissioner for Human Rights (OHCHR) launched a comprehensive guidance tool addressing caste-based discrimination. The tool is meant to support UN country teams, agencies and other stakeholders in combating caste-based discrimination and has been welcomed by UN stakeholders as well as human rights activists across the world.

The tool is the first of its kind to directly address caste and forms part of an Action Plan to support the implementation of the recommendations contained in the Guidance note of the UN Secretary-General: On racial discrimination and protection of minorities. A wide range of stakeholders were consulted by the OHCHR when creating the tool, including IDSN, the Asia Dalit Rights Forum (ADRF), Dalit rights organizations, international human rights organizations and OHCHR staff and leaders. It is hoped that the tool will bring much needed attention to, and action on, one of the most severe forms of discrimination in the world.

The tool also clearly marks a departure from the silencing of the issue of caste-based discrimination within the UN that has been witnessed in the past, and shows clear leadership and commitment from the OHCHR to tackle one of the world's most serious human rights issues, affecting over 260 million people.

“The UN guidance tool on caste-based discrimination will be tremendously useful to those both within the UN system and beyond, working to combat this heinous form of discrimination,” said Meena Varma, Chair of the IDSN board and Acting Executive Director of IDSN, “The tool will also create much needed awareness within the UN of the need to address this form of discrimination with direct action at both the country and international level. We applaud the OHCHR for taking this step and look forward to seeing the tool in action over the coming years.”

Several civil society leaders, UN agencies, country teams and networks were represented at the launch, which took place on 27 March 2017. The launch was attended by Rita Izsak, Special Rapporteur on Minority Issues, Katia Chirizzi, Acting Deputy Head of Regional Office for South Asia, OHCHR, Renaud Meyer, UNDP Country Director,

Nepal, Rikke Nohrlind, former Executive Director of IDSN. Members from IDSN and ADRF were also present including, Padam Sundas, Renu Sijapati, Afsana Amin, Bhakta Biswakarma, Siva Pragasam, Paul Divakar and several other civil society leaders and Human Rights activists from South Asia and other parts of the globe.

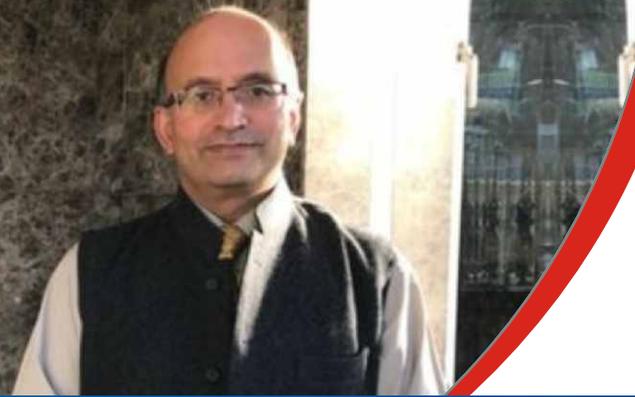
This Guidance Tool helps lay the foundation for more concerted and system-wide action by the UN on the issue of discrimination based on descent, including caste-based and analogous forms of discrimination. The main target group for this guidance tool is UN Country Teams and Resident Coordinators but the tool is also useful for other stakeholders that are working to address and combat descent-based discrimination.

The Guidance tool on descent-based discrimination: Key challenges and strategic approaches to combat caste-based and analogous forms of discrimination are meant to enable the UN system, in particular, to:

- Understand the conceptual issues and fundamental principles related to addressing discrimination based on descent as well as the intersection between discrimination based on descent and gender
- Apply a human rights-based approach and a gender perspective when formulating programs and strategies to combat descent-based discrimination
- Obtain guidance on key challenges, priorities and strategic approaches to combat discrimination based on descent
- Increase opportunities for meaningful participation and representation of descent-based communities in development processes
- Share lessons learned in relation to the development, reform and implementation of legislation, policies and programs to address this form of discrimination
- Integrate a non-discrimination approach in UN Development Assistance Frameworks and Common Country Assessment processes

Human rights activists see this Guidance tool as another constructive step in the journey of the UN to address this particular type of human rights issue, which it is hoped will evolve to bring out a UN Convention to eliminate Discrimination based on Work and Descent including Caste.

Source: United Nations



Why are UK Hindus against a caste law?

By Vishva Samani & Athar Ahmad
BBC Asian Network

India's caste system is thought to be among the world's oldest surviving forms of social stratification. However, some British Asians say they still experience discrimination due to their caste. So, why are so many Hindu bodies in the UK opposed to this being made illegal?

Sudesh Rani was shopping in the Home Counties two years ago when she experienced such discrimination first hand.

The 42-year-old from Bedford identifies herself as Ravidassia - a group regarded by some as at the lower end of the caste system. She says she was in a supermarket when two women began verbally abusing her.

"They started calling me a low caste chamar (a derogatory term used to describe an individual belonging to a low caste), a dirty bitch.

"At that time, I got a bit frightened; I thought 'no, no this can't be happening.'"

She said the women, who had seen her at a wedding previously, followed her and her nine-year-old son to her car.

"There were two of them and one of them was going to hit me, I thought they were going to really rip me apart.

"My son kept asking - 'mummy - what is a dirty chamar? Is that a swear word?'"

Ms Rani says the police did not know how to handle her complaint, because they had no idea about caste. Campaigners say cases like this highlight why caste legislation is needed in the UK.

In 2010, conversations began in the House of Lords about making caste discrimination illegal. A clause

proposed for the Equality Act is currently awaiting the result of a public consultation.

However, many Hindu organizations are against legislation. Why?

What is the caste system?

The caste system is thought to be an ancient Indian social hierarchy and a defining feature of Hinduism.

It is described as a hierarchy of four varnas - or caste categories - found in Hindu scriptures, with brahmins (priests and teachers) at the top, followed by kshatriyas (rulers and soldiers), vaishyas (merchants and traders) and the shudras (labourers and artisans).

Beneath them all are the dalits - so-called "untouchables" - who are completely excluded from society.

However, there is controversy over the extent to which caste is a feature of Hindu religion.

Some academics have claimed the caste system was introduced in its current guise during colonial rule in an attempt by the British authorities to classify and better understand the Indian society they were governing.

They assert that Indians have started behaving as if part of a caste hierarchy as a result of being taught to.

Legislating on caste is complex business, not least as many Hindus do not accept caste is an integral feature of the Hindu religion.

As a result, there are many who would prefer the issue remain under the radar.

Satish Sharma, chair of the National Council of Hindu Temples, is firmly against the proposed legislation.

While he believes there is no justification for caste-based discrimination, he believes the caste system has nothing to do with his religion and that any new law will present the issue as a Hindu problem.

He, along with a number of Hindus, maintains that the caste system as it exists now has more to do with the centuries of British colonial rule than ancient religion.

"This is not something that is part and parcel of our beliefs and ideologies," he says. "Our scriptures and our recent history up until a few hundred years ago didn't have this caste system in there. This is being directed at us, this has been put around our necks.

"Without even thinking about what it means, you automatically now gain the reaction 'dirty Hindus', that we're terrible and have savage ideals, that's what's automatically invoked whenever you mention caste. It's not part of our culture and we don't want it introduced."

Mr Sharma is concerned about what he says is a lack of evidence for caste discrimination in the UK. He believes there is a "Hindophobic" agenda behind those pushing for caste legislation that is leading to Hindus being unfairly discriminated against.

"There has been this assumption that Hindus are casteist and I have recently heard what I think is an outrageously prejudicial term, where groups who are not dalits are now being referred to as 'caste supremacists'."

But groups that represent victims of caste discrimination say they are not interested in the origins of the caste system, but instead want a new law to protect people.

"The Hindus - they need to actually do some soul searching on this and be honest with themselves and try and confront this thing," says Satpal Muman, from CasteWatch UK.

Nevertheless, he believes Hindus that claim the caste system does not originate in their faith have to confront their past.

"I do not understand why the Hindus want to oppose this call

for equality. The only thing I can surmise from it is that they don't believe in equality. They want to perpetuate inequality so I really don't understand their mindset on this.

"Why the Hindus feel so victimised is beyond my imagination. They have to see the truth for what it is, you have to call a spade a spade. If you are unable to face the historical truth then you will never be able to resolve this issue."

Campaigners calling for caste discrimination legislation estimate there are up to half a million dalits in the UK who could be at risk of caste prejudice.

However, caste is not included in the census and there are no precise figures available.

Another issue complicating attempts at legislation is the fact many British Indians are unable to identify exactly where they fit in the fourfold hierarchy.

The experience of Dina Bhudia, a 42-year-old British Hindu, is typical of many.

She recalls learning about the caste system in religious education classes at school but is unable to reconcile it with her personal experience of her religion.

"I've never learnt about the caste hierarchy from any priest or temple," she says.

"They are not sitting there saying, 'right, us brahmins are here and you kshatriyas are there.'

"Technically I'm at the bottom of the pyramid. My granddad was a farmer, my dad was a bus driver, I'm a financial adviser - where do I fit in?"

For Ms Rani though, facing abuse because of her caste is something she still finds difficult to come to terms with.

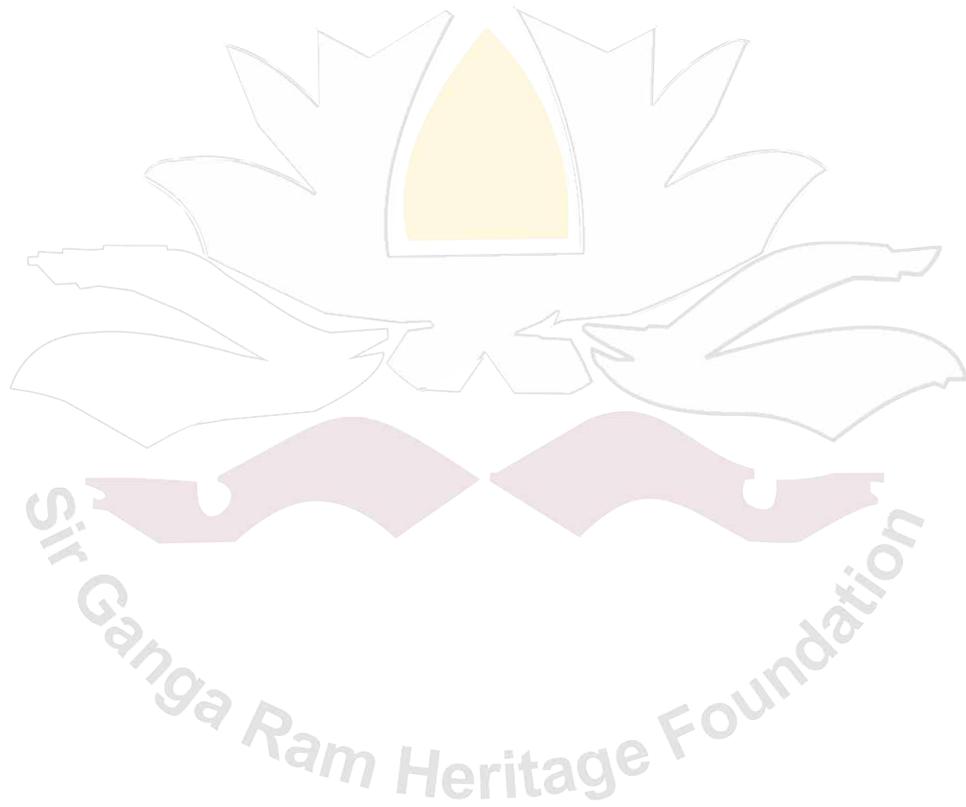
"I was shocked and upset [after being abused], my son didn't sleep for days, nor did I.

"I've grown up here, I'm well educated, why should we have to suffer? We are just the same as everybody else."

Source: BBC



Sudesh Rani was shopping in the Home Counties two years ago when she experienced such discrimination first hand. She says she was in a supermarket when two women began verbally abusing her. "They started calling me a low caste chamar (a derogatory term used to describe an individual belonging to a low caste), a dirty bitch.



Sir Ganga Ram Heritage Foundation

2-Court Street, Lower Mall, Lahore. Ph: +92 42 37115810

Email: sgrhf.lahore@yahoo.com Web: www.sgrhf.org.pk