



Swaminarayan Temple raid shows US has to reckon with caste discrimination imported from India

p. 1



MINO-VIEW

Quarterly Magazine

Voice of Minorities & Oppressed People in
South Asian Societies

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Objectives

The Mino-View, a quarterly magazine, is a humble attempt to cover all dimensions of minority's life and culture not only in Pakistan but in all states of South Asia. It will act as a mirror reflector, reflecting the issues related to the identified minorities and other oppressed classes in the region. The magazine seeks to serve the objective of shedding light on the darkest issues of our social system by voicing the concerns of minorities and other oppressed sections of the South Asian societies. We will welcome feedback from our respected readers and concerned quarter. We invite social forces from all over the region to join hands for adopting a way towards egalitarianism.

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Editorial

Dear viewers welcome to the new edition of Mino-View with your continuing support in shape of your feedback and suggestions we have been successful in completing eight & a half years of our publication. Mino-View shed light on the darkest issues of our social system by voicing the concern of oppressed and deprived section of South Asian societies. MV will act as mirror reflector, reflecting the issues related to the identified minorities and suppressed classes in the region. This issue once again takes us to a realistic view of the world around us. Our contributors and research team (who selected the articles) have done praiseworthy work in giving voice to the most voiceless in the region. Over the years MV highlighted caste issues, human rights violations and discrimination against the marginalized sections just to put its tiny effort to become their voice and address their issues by reaching out to the concerned national and international forums and human rights bodies. This intellectual effort can give some kind of support to these marginalized sections by highlighting their miseries and problems. But for substantial change in their life the role and effort of concerned national and international human rights bodies as well as work on state level is very important. Which is mostly missing in developing countries for example, despite the existing protecting laws for marginalized groups in India, state willingness to implement these laws with its true spirit is missing. Cursory look at oppression of the Dalits during the past few years confirmed that Dalits are treated as worse than animal. They are supposed not to wear their footwear, in certain villages not to ride bike or horse, not to March their marriage procession in front of upper caste Hindus. This issue highlighted that eight international human rights organizations Amnesty International, Human Rights Watch, Front Line Defenders, Christian Solidarity Worldwide, International Commission of Jurist, International Dalit Solidarity Network, International Federation of Human Rights and World Organization Against Torture, stressed that European leaders should at priority base look at the deteriorating human rights situation in India and pressurize Indian Government to reverse its abusive and discriminatory policies and immediately release all human rights defenders and other critics who have been jailed for peaceful exercising their rights to freedom and peaceful assembly. These kind of action should be more and more required to address the issues of marginalized people of South Asian region.

Editor

Swaminarayan Temple raid shows US has to reckon with caste discrimination imported from India



Mihir Sharma

According to a 2018 survey, two-thirds of Dalits in America 'reported being treated unfairly at their workplace because of their caste'. Over the past year, efforts to confront the legacy of racism in the U.S. have transfixed and inspired the world. Newer forms of discrimination, however, are emerging in 21st century America. Even as Americans deal with their own demons, they'll soon have to grapple with India's, too.

U.S. authorities recently raided a large and well-known Hindu temple in New Jersey that they said had exploited Dalit workers from the "lowest" bracket of India's caste system. The men had been categorized as "lay religious workers" for immigration purposes but were instead employed in back-breaking labor for \$1/hour. Civil-rights groups are now demanding that the Equal Employment Opportunity Commission "recognize the intertwined nature of caste and race" and apply civil rights laws designed to end race-based discrimination to caste-based discrimination as well.

The case is not an isolated one. The state of California has been trying to chase down caste-based discrimination at Cisco Systems Inc. since last year. According to one 2018 survey, two-thirds of American Dalits "reported being treated unfairly at their workplace because of their caste." Perhaps it shouldn't be surprising that, halfway across the world, India's worst gift to the world might be living on. As the South Asian diaspora grows, fueled by energy and education, many of its members have risen within the hierarchies of their adoptive countries. With this rise comes greater power; with power comes the ability to discriminate.

Nor is caste the only Indian cleavage that will matter to the rest of the world before long. In March, police in Sydney had to intervene when growing tensions between local Sikhs and supporters of the Hindu nationalist Bharatiya Janata Party led to Sikhs being attacked on the streets. And back in Silicon Valley, an Indian-American engineer has filed a suit against Apple Inc., arguing that her managers - also from the diaspora - treated her with special contempt because she was a South Asian woman. The irony is that, precisely because injustices and oppressions of multiple kinds have long been a part of South Asian society, we in India have a constitution that seeks both to name and to right some of these wrongs. Quotas for various historically

disadvantaged groups, in educational institutions as well as the public sector, are a crucial part of this decades-long effort.

Countries and companies elsewhere will not be able to replicate India's attempted solutions. They must, however, expand their own conceptions of oppression and prejudice to include those that emerge from the subcontinent. You can't credibly claim to be fighting one type of discrimination while also saying that dealing with other forms is not legally required. Your own employees won't allow that sort of hypocrisy. Consider what happened at Facebook Inc., whose India public policy team, seen as insufficiently diverse and too close to the ruling establishment, quickly became the subject of complaints by Facebook employees globally.

This will not be easy. For one, any attempt to be realistic about such biases will be fought, tooth and nail, by some Indian Americans themselves. Many like to think that they have moved beyond caste. In India, we know that any room of people who think they have moved beyond caste is one that has only upper-caste people in it - and, yes, the U.S. diaspora is overwhelmingly dominated by people from the "top" deciles of the caste system. Others, including the Hindu nationalists who run politics in India and are increasingly influential in the U.S., see talk of caste as insulting. (Caste may have originated as a Hindu system but people of all religions in South Asia, including Islam and Christianity, have quietly adopted its biases.) Some organizations have spent decades tussling with the state of California, attempting to sanitize discussions of Hinduism in school textbooks and in particular to eliminate mentions of caste. In 2019, a U.S. district judge dismissed one such lawsuit, a decision which survived a challenge in 2020.

For Indians, it's a disappointment that the starry-eyed narrative of idealistic Indian engineers helping build Silicon Valley is being tarnished. But we should also be glad that discrimination against "lower" castes, so rife in the elite colleges that many Indian engineers graduated from, might be taken seriously in the country in which they aspire to live. Once again, the U.S. can do the world a favor by helping to set new civil-rights standards.

Source: *The Print, Bloomberg*

Caste System and Mechanization of Human Feelings

Hemangi Kadlak

Caste is not only the mechanism that runs Indian society, but it also turns human feelings mechanical. We have been becoming less human and more machines as we watch, hear about atrocities on other human beings but there is no alert system to prevent or punish the culprits. Rapes are seen as daily happenings. The brutalities of the rapes are so heinous that sometimes wooden or metal objects which are inserted into the vagina of women, or into assholes of men will break but not the culprits. (Purposely mentioned the private parts of the victims to emphasize the reality of the crime. While doing these heinous crimes, the culprits do not hesitate. Therefore, across castes, countries--people should know what is happening in modern India).

And yet, we are happy in our world, celebrating each day with the news of atrocities on women, children and lower caste people. Unless we don't hear such news we don't feel that we are citizens of India. In India it is a right and duty of the upper castes to torture, humiliate lower caste people, women. We feel proud to call ourselves Indian with the presence of caste in our life. The caste system was constructed in such a way that it has made humans to hate other humans. Superiority, discrimination, atrocities, humiliation--are a part of this country and ironically, we are citizens of the country.



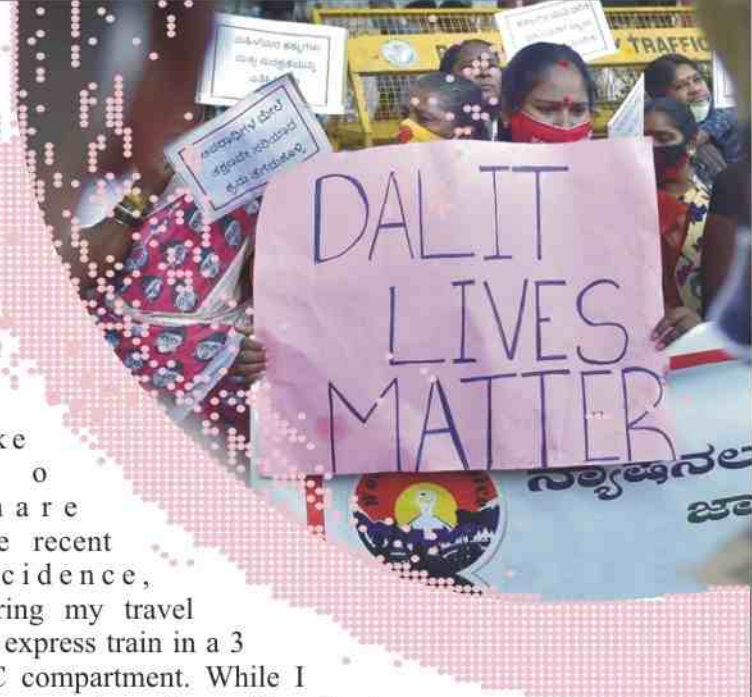
Here people take pride to call themselves Brahmin, Kshatriya, Vaishya; even Shudras also take pride to make the untouchables inferior. It is high time for Shudras to realise that they are also the victims of the caste system and controlled by upper castes. Rapes, killings, human brutality, discrimination and exploitation are signs of upper castes trying to claim that they are superior to the untouchables. Here I would

like to share one recent incidence, during my travel by express train in a 3 AC compartment. While I was coming from Baroda to Mumbai, I got introduced to one family coming from Rajasthan. The mother was traveling with her two children. I got a seat near theirs.

The mother started talking to me, asked about me. I gave her satisfactory answers. After that, she started showing more interest in talking to me. She offered some Rajasthani sweet which I took a little, by saying I don't like sweets much, thank you. In this process, our talk continued. Her little son around 9-10 years old also got involved in our talk. While talking, all of sudden, without any context, he almost shouted "I am Brahmin". After hearing this for a few seconds I got mum, stopped talking and started keenly observing the boy. The whole body language of that boy started making me feel that I am observing a grown-up young boy. His talk, behavior, eating style, his way of interacting with others started making me feel his whole actions were coming from his caste arrogance that "he is a Brahmin".

The atrocities, brutalities that are happening on the lower castes, that is ex-untouchables (Constitutional word SC), stem from the same arrogance that the boy was carrying: that "he is Brahmin". Hence almost all upper castes carry and show their caste arrogance, feeling superior and show the lower castes (exuntouchables) that they are lower than them, from the perspective of caste. Caste arrogance is the major reason for the brutalities carried out on the lower castes. It has been the history of India to maintain the culture of silence, tolerance for such heinous brutality.

Hemangi Kadlak works as Assistant Professor at Amity University, Mumbai. She is the founder member of Infinidea Foundation and an active member of the Phule-Ambedkarite movement.





A Cry For Exorcism Mobeen Ahmad

There is a ritual, in North Indian Hindu temples, performed to keep the demons or evil spirits away. The ritual is performed by constantly moving one's finger up and down in front of the mouth while producing a hollow sound from the throat. Just like a distorted cry. Sadly, this ritual does not work on the upper caste demons lurking around in the shape of humans ready to inflict pain on Dalits. If this ritual could have any effect on these self-righteous bigots then the life of a 19 year old Dalit girl in Hathras District of Uttar Pardesh (UP) would have been saved.

According to BBC the seriously injured teenage Dalit girl was brought to the Chandpa police station of Hathras District and "...was lying on the ground, battered and bruised, barely conscious and naked from the waist downwards, She was bleeding, she couldn't move her neck, her arms and legs were lifeless, she was vomiting blood." The girl herself gave the statement that she was assaulted for rape by an upper caste neighbor. After remaining in hospital for two weeks the girl could not survive from the injuries got during sexual assault and died. But the hell did not break because the police and state officials did their best to bury the case. It got attention of the public and media when police and officials cremated her body in the middle of the night.

The only mistake of this girl was to be born in a Dalit Family and then to go out to earn her livelihood in the

society of upper caste Hindus who, by default, consider Dalit women their prey and think that they can get away from this heinous crime with impunity. NCRB reports 89 women raped everyday in India among them 10 are Dalits as Rahul Ghandi has rightly said that India is the rape capitol of the world. These cases reveal very dark side of so called secular India and its social realities. One can easily draw three conclusions after reading these horrible stories that: one; Dalit women are the main victims of rape related crimes in India, two; upper caste privileged men are the culprits, three; the state machinery is acting as facilitator for the culprits by creating hurdles in every step of the justice delivery process. In this particular case police and state official tried their best to prove that this was not the rape case and they even hired a PR firm to misguide people. It is hard to register an FIR in such cases and even if the FIR is registered then the conviction rates are very low in rape crimes against Dalit women. According to National Crime Record Bureau (NCRB) there is a rise of 37% in crimes against Dalit community while the conviction rate has just increased by 2.5%.

From these conclusions one must ask that why Dalit women are the main victims? Why upper caste Hindus use this inhuman tactic to inflict pain on already oppressed and under privileged community? Why state machinery is complicit in these crimes? The answer to these questions lies in the fundamental principles of Hinduism. As per Hindu mythology Dalits are the children of lessor gods. The imperfect creation of gods, the inferior creatures, born only to serve and suffer. The untouchables who are so inferior that they are not even allowed to enter upper caste temples, to touch there food, or even enter their homes.

Estimates might be wrong as actual statistical data on Dalit population is not always true but roughly 200 million Dalits are being haunted by the demons of upper caste Hindus since so long. This upper caste mentality is so deep rooted in Indian society that it has plagued its institutions of governance as well as destroyed the very social fabric which constitute a peaceful and "Just" society. A society where every citizen feels safe and have faith that he/she will be treated equally in case of any conflict with the fellow citizen(s). A society where nobody have to perform this or that ritual just in order to keep their daughters safe from the ever hungry blood sucking demons of upper caste. If a cry could do that then the whole world should shout out loud and stop this once and for all.



How Caste Oppression Is Institutionalised in India's Sanitation Jobs

Shruti I & Madhurima Majumdar

This is an excerpt from the sixth edition of the India Exclusion Report, a collaborative effort involving institutions and individuals working with a shared notion of social and economic equity, justice and rights. The report seeks to inform public opinion around exclusion and the role of the state and to influence policy-making towards creating a more inclusive, equitable and just society. The annual publication is anchored by the Centre for Equity Studies and edited by its director, Harsh Mander.]

When India imposed lockdowns to curb the spread of the Covid-19 pandemic, “essential services” - including sanitation and sewer workers - were required to continue working, putting them on the frontlines. A study conducted in June 2020 showed that 93% of all sanitation workers, including sewer workers, received neither personal protective equipment kits nor training on how to stay safe from Covid infection.

The impact of this inaction was deadly: in Bangalore, at least three sanitation workers died after contracting Covid-19 and received seemingly little support from the state in accessing healthcare. While Covid-19 brought these disparities in occupational health risk into stark relief, the disregard of the safety of sanitation workers in India is perhaps as old as the profession. Sanitation workers have long been marginalised as this profession was marked by caste status and continues to be so. Among an estimated 1.2 million sanitation workers in India, most are Dalits or

from denotified tribes.

Caste in waste management work

Manual scavenging has historically been linked to caste in the Indian subcontinent. The Brahminical social order assigns the most “polluting” tasks such as removing human excreta to Dalit castes. There is some evidence in ancient texts, such as the Narada Samhita and the Vajasayeni Samhita, that describes manual scavenging as work undertaken by slaves, coerced into cleaning waste.

Recent scholarship has demonstrated how this association between caste and the purity/pollution axis came to be institutionalised with modernisation. The introduction of underground sewerage systems and the building of dry latrines and railway lines in the colonial period created a demand for sanitation workers who would clean them. Colonial officials and the then-nascent municipal authorities drew on the edifice of caste to recruit sanitation workers and brought in Dalit workers, many of whom were agricultural labourers in the countryside, to the cities.

Wherever there was a shortage of sweepers and scavengers in urban areas, municipal authorities looked to Dalit migrants from rural areas to meet the shortfall. This cemented caste oppression into a waged “occupation”. Today, in municipal sanitation jobs, there is almost an unstated 100% “reservation” for those belonging to scheduled and backward caste groups.

Our fieldwork found that caste and kinship continue to play a strong role in both entering sanitation work and passing on the occupation to one's children, through systems such as preferential treatment that hire the kin of a sanitation worker on their retirement or death.

Our research found that even those with higher education qualifications feared unemployment and due to a lack of social networks that could provide them guaranteed work, many saw staying in municipal sanitation work as a stable option with the possibility of promotion to a supervisory position.

Hazardous working conditions

Despite modernisation, waste management remains one of the most underpaid and dangerous jobs in India. There are significant occupational morbidities and a high mortality rate among sanitation workers and sewer workers bear a great deal of this risk.

A scan of newspaper reports from the last few years demonstrates that workers have died cleaning manholes, septic tanks and sewage treatment plants in a variety of urban locations - from hospitals and shopping malls to residential neighbourhoods, farmhouses and apartments complexes. Workers who enter sewer lines, sewage treatment plants and septic tanks are exposed to hydrogen sulphide, a colourless odourless gas, that is fatal upon inhalation.

The Ministry of Social Justice and Empowerment stated that 110 deaths had occurred while cleaning septic tanks and sewers in 2019. Data collected by the Safai Karamchari Andolan recorded over 300 deaths in 2017 across India, while 142 sewer workers died between 2012-2014. All India Central Council of Trade Unions data estimates that at least 75 workers have died in 34 such incidents between 2008 and 2018 in Karnataka. Apart from this, there are associated comorbidities with more long-term effects. In 2015, the Brihanmumbai Municipal Corporation found that 1,386 sanitation workers had died in the last six years. A 2006 study conducted by the Centre for Education and Communication among sewage workers in Delhi found a high incidence of mortality after age 55. The estimated life expectancy of sewer workers is at least ten years lower than the national average.

Contractualisation and caste

Over the years several attempts have been made to eradicate manual scavenging and improve the working conditions of sewage workers. In 1993, the Employment of Manual Scavengers and Dry Latrines (Prohibition) Act was enacted with the stated

objective of declaring the employment of manual scavenging an offence.

However, the definition of manual scavenging was restricted to dry latrines, which are not the only place where workers are at risk. Several court petitions in the Madras, Gujarat and Delhi high courts were filed through the 2000s, asking for judicial remedies and stringent guidelines to prevent the deaths of workers in sewage lines. The courts and the National Human Rights Commission dispensed guidelines for safety and ordered the full mechanisation of cleaning.

In 2011, the Supreme Court held that the government could not "absolve themselves of the responsibility to put in place effective mechanisms for ensuring the safety of the workers employed for maintaining and cleaning the sewerage system". The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act of 2013 was later passed, intended to remedy many of the defects of past legislation. One significant improvement in this Act is its focus on reforming the working conditions of sewage workers.

Such policy measures and legal amendments come after years of struggle and yet, working conditions remain hazardous. The insight of our research is that the failure of legislation and regulation in this area is no accident or a mere problem of implementation, but should be understood within the broader landscape of labour market changes and labour law.

The precarity that workers face, the unregulated conditions within which they work and the segmentation of the workforce between "permanent", "contract" and "daily-wage" workers mark many occupations today. This informality makes justice for workers within a legal framework extremely challenging. Further, as an activist told us, "the biggest defaulter of the Contract Labour Act in India today is the government and other state institutions".

What this demonstrates is that caste fundamentally inflects and shapes the processes of contractualisation and informality in India. Dalits have been historically drawn into sweeping and scavenging work and their exclusion from other sectors of the labour market is inextricable from their caste status. Through institutional practices that perpetuate their continued recruitment in municipal corporations, Dalits continue to be the group employed in sanitation tasks.

The move to contractualisation and erosion of job security, therefore, directly affects Dalit workers by

eroding the bare minimum level of security that permanent employment offered. It also legitimizes a system by which they continued to be paid far less for equal work. Contractualisation not only lowers pay and working conditions for Dalit workers, but it also serves as a fig leaf over the state's responsibility for their deaths.

Urban local bodies regularly evade responsibility for the deaths of contract and daily wage workers, claiming to be unable to trace the contractor or arguing that it is the contractor's responsibility to provide safety equipment for the cleaning of public sewer lines.

These notions of public and private provisioning in sanitation are changing. While privatised cleaning takes place in drains or pipelines that either the municipal authority services but has contracted out to daily-wage labour or refuses to service, it increasingly also occurs in septic tanks/STPs attached to private houses, apartment complexes or commercial establishments.

The question of "private" or "public" cleaning and the extent of the municipality's responsibility often determines the level of risk, supervision and safety equipment that workers have access to. Where access to underground drainage is minimal, the state's abdication from providing sanitation facilities (particularly in working-class settlements) encourages the use of septic tanks that must be privately cleaned. The responsibility of clearing septic tanks as one that is borne by septic tank users is also what incentivizes the use of cheap casual labour. As a result, it is extremely difficult to monitor working conditions or understand the processes by which the work is sub-contracted out.

Collectivisation and resistance

There is a distinct lack of commitment towards enforcing labour standards and legal regulations in this area. This has been compounded with increasing casualisation. The only space for negotiation has been through collective mobilisation through unionising and advocacy. NGOs and civil rights groups (notably, national groups like the Safai Karamchari Andolan, the Rashtriya Garima Abhiyan and grassroots organisations like Thamate) have played a significant role in highlighting the deaths of sewer workers, by linking this struggle to that of the manual scavenging of dry latrines and in pushing for legislative change.

This has taken the form of writ petitions, fact-findings into deaths and Right to Information requests on the

machinery possessed by state governments for mechanical cleaning and compensation paid to families. However, the widespread practice of subcontracting means that the safety and compensation guidelines that apply to permanent and contract workers are rarely extended to casual labourers.

Other unions representing contract workers have had significant wins. Fieldwork that we conducted among unions in Karnataka indicated that union membership has made workers feel more able to access and demand safety equipment, as well as a mechanism to demand delayed wages and workers' compensation.

Activists we spoke to expressed their visions of transformation. One idea they had was to organise sanitation work on a cooperative basis, worker-led and worker-run, to bring an end to the hierarchical structure within which contract system functions. In such a model, the role of the municipality would remain as one of financial support and occasional supervision, but it would eliminate the contract system without subjugating workers directly to state control.

Interviews we conducted in a town where contract workers had been employed directly under the state and later under a private contractor underlined this point that direct employment under state officials was not always an improvement in working conditions. This speaks to an important concern: in demanding permanent jobs or regularisation for sanitation workers, it is important not to further subject workers to the control of the municipality, replacing one oppressive set of overseers with another.

Conclusion

The struggles of sewer, as well as other sanitation workers against contractorisation and poor working conditions, are intimately linked to their struggles against the lack of state accountability for hazardous working conditions. The continued attitude of disregard and exploitation towards Dalit sanitation workers is reminiscent of feudal relations, where caste continues to determine occupation and employer-employee relations are individualised, based on patronage and oppression. The irony of the neoliberal era of contractorisation is that while workers labour for wages on contract, the work remains as wholly marked by caste status and state impunity.

*Source: Janata Weekly
(Courtesy: Scroll.in)*

Amnesty International paints dismal picture of human rights in Nepal



Torture and other forms of ill-treatment to extract confession and intimidate detainees were widespread during pre-trial detention in Nepal during 2020, says Amnesty International.

According to the Amnesty International Report 2020- 21 'The State of the World's Human Rights', although the 2017 Criminal Code criminalised torture and other forms of ill-treatment, no one was convicted for this by the end of 2020.

Several allegations of death due to torture were reported, particularly of Dalits and indigenous people. In July, a person from an indigenous community, Raj Kumar Chepang, died allegedly after being tortured by the Nepali Army personnel stationed at Chitwan National Park. An army officer was remanded on the charge of murder.

"The authorities failed to carry out independent and credible investigations into several deaths in custody suspected to have resulted from torture, especially of young Dalit men," the report said. In August, BijayMahara died in police custody, allegedly from torture during interrogation. Three police officers were suspended for six months, but were not charged with torture or murder. ShambhuSada died in police custody in Dhanusha in June and Roshan BK in Kailali district in September. Police claimed that both men had committed suicide while their families alleged that they were tortured to death.

The AI also said that gender-based discrimination continued unabated and the government did not address constitutional flaws, which denied women equal citizenship rights. More than 2,100 incidents of rape and sexual violence were reported to the police.

The victims included children and Dalits. Rigid statutory limitations for rape in the Criminal Code continued to allow impunity for perpetrators.

As per the report, the government passed two



ordinances in September aimed at ending acid attacks against women and girls.

Despite legal provisions and policies to address caste-based discrimination, numerous incidents of discrimination, ostracisation, killings and sexual violence against members of the Dalit community were reported. In May, opponents of an inter-caste relationship killed six men, including four Dalits in Western Rukum.

Also in May, a 12-year-old Dalit girl was allegedly raped and killed in Rupandehi district after being forcibly married to her alleged rapist, who belonged to the so-called dominant caste. In September, another 12-year-old Dalit girl was raped and killed in Bajhang district, allegedly by a man who was not prosecuted after raping a 14-year-old a month earlier.

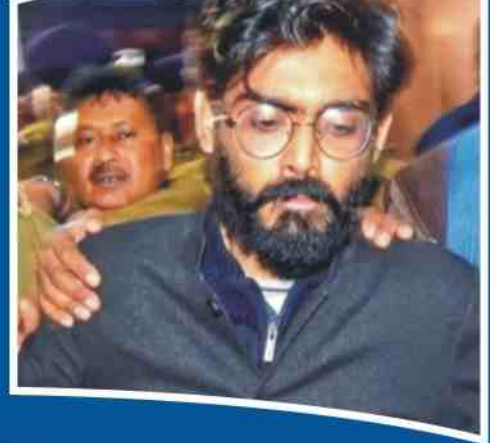
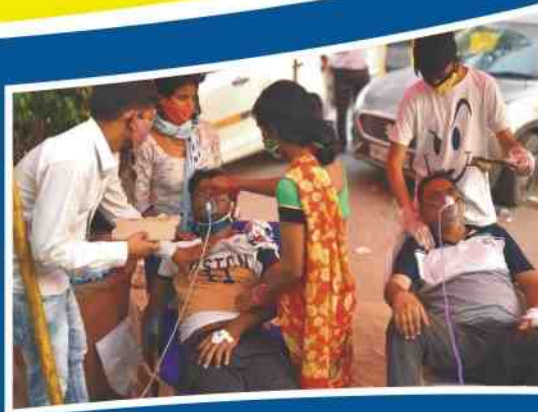
The AI also alleged that the government failed to protect the rights of hundreds of thousands of Nepali migrant workers stranded abroad as COVID-19 lockdowns came into force. The government failed to ensure protection and affordable repatriation of migrant workers through the Foreign Employment Welfare Fund. The authorities also failed to ensure adequate standards of living and protect the health and safety of several returnee migrant workers in the COVID-19 quarantine facilities.

In June, a migrant woman was raped in a quarantine facility in Kailali district.

Source: The Himalayan Times

EU: Prioritize Rights at India Summit

Provide Essential Medical Supplies; Urge India to Free Rights Defenders, Address Abuses



European leaders at the May 8, 2021 summit with their Indian counterparts should prioritize the deteriorating human rights situation in India, including the right to health, eight organizations said today.

With a devastating Covid-19 crisis affecting the country, Europe should focus on providing support to help India deal with the acute shortage of medical supplies and access to vaccines. At the same time, European leaders should press the Indian government to reverse its abusive and discriminatory policies and immediately release all human rights defenders and other critics who have been jailed for peacefully exercising their rights to freedom of expression and peaceful assembly.

The organizations are Amnesty International, Christian Solidarity Worldwide (CSW), Front Line Defenders (FLD), Human Rights Watch, International Commission of Jurists (ICJ), International Dalit Solidarity Network (IDSN), International Federation for Human Rights (FIDH) and World Organisation Against Torture (OMCT). India has the fastest-growing number of Covid-19 cases in the world and is facing severe healthcare shortages - of testing capacity, medicines, ambulance services, hospital beds, oxygen support and vaccines. The European Union and its member states should reconsider and reverse their opposition to India and South Africa's proposal before the World Trade Organization to temporarily waive certain intellectual property rules under the TRIPS Agreement to facilitate increased manufacturing and

production of vaccines and related products globally, until widespread vaccination is in place the world over.

The Covid-19 crisis has also highlighted growing human rights concerns in India. Faced with widespread criticism of its handling of the pandemic, the Indian government has tried to censor free speech, including by ordering social media content taken down and criminalizing calls for help. The government has also ignored calls from the United Nations Office of the High Commissioner for Human Rights for countries to release "every person detained without sufficient legal basis, including political prisoners and those detained for critical, dissenting views" to prevent the growing rates of infection everywhere, including in closed facilities such as prisons and detention centers.

Instead, the Hindu nationalist Bharatiya Janata Party (BJP)-led government has increasingly harassed, intimidated and arbitrarily arrested human rights defenders, journalists, peaceful protesters and other critics, including under draconian sedition and counterterrorism laws.

The authorities have jailed a number of human rights defenders, student activists, academics, opposition leaders and critics, blaming them for the communal violence in February 2020 in Delhi as well as caste-based violence in Bhima Koregaon in Maharashtra state in January 2018. In both cases, BJP supporters were implicated in the violence. Police investigations

in these cases were biased and aimed at silencing dissent and deterring future protests against government policies, the groups said.

The government uses foreign funding laws and other regulations to crack down on civil society. Recent amendments to the Foreign Contributions Regulations Act (FCRA) added onerous governmental oversight, additional regulations and certification processes and operational requirements, which adversely affect civil society groups and effectively restrict access to foreign funding for small nongovernmental organizations. In September 2020, Amnesty International India was forced to halt its work in the country after the Indian government froze its bank accounts in reprisal for the organization's human rights work and many other local rights groups struggle to continue doing their work.

The Indian authorities have also enacted discriminatory laws and policies against minorities. Muslim and Dalit communities face growing attacks, while authorities fail to take action against BJP leaders who vilify minority communities, and against BJP supporters who engage in violence. The Indian government has imposed harsh and discriminatory restrictions on Muslim-majority areas in Jammu and Kashmir since revoking the state's constitutional status in August 2019 and splitting it into two federally governed territories.

The authorities carried out counterterrorism raids in October on multiple nongovernmental organizations in Kashmir and Delhi and a newspaper office in Srinagar to silence them, causing a chilling effect on human rights defenders who fear for their safety.

Yet, despite the considerable deterioration in the country's human rights record under Prime Minister Narendra Modi, the Indian government has effectively shielded itself from the international scrutiny and reactions that the seriousness of the situation should have warranted. Focusing on strengthening trade and economic ties with India, the European Union and its member states have been reluctant to formulate public expressions of concern on human rights in India, with the exception of occasional statements focused solely on the death penalty.

In January 2020, amid intense external pressure, the European Parliament indefinitely postponed the adoption of a resolution condemning India's discriminatory citizenship law and other abuses. The



text was introduced, but not voted upon. However, in April 2021, the Parliament adopted a recommendation on EU-India relations raising serious concerns over human rights violations in India and urging European leaders to use the upcoming summit as a platform to relay those messages at the highest level.

The EU's long silence on these issues stands in stark contrast with its much more vocal and robust reactions to serious human rights violations by certain other governments, including some of India's neighbors and is incompatible with the EU's recently renewed pledge to speak up and take action whenever and wherever human rights abuses occur.

The EU recently resumed its local human rights dialogue with India, which had been suspended for seven years. While the EU insisted on holding the dialogue as a prerequisite for the leaders' meeting, where stronger trade ties and cooperation in other areas will be discussed, nongovernmental organizations cautioned against holding the dialogue as a box-ticking exercise, only aimed at getting rights off the summit's agenda. The weak joint press release published as the outcome did not assuage these fears.

European leaders should find their voice and raise concerns at the summit meeting, the organizations said. Instead of being content with securing empty references to allegedly "shared values of human rights and democracy" in joint statements, the EU and its member states should show their own commitment to upholding those values and hold the Indian government to account for its human rights violations.

European leaders should press the Indian government to immediately release all arbitrarily detained human rights defenders, journalists and other critics; repeal or amend repressive laws used to silence dissent, discriminate against minorities, or unfairly target nongovernmental organizations; protect freedom of expression and assembly; and ensure accountability for human rights violations, including in Jammu and Kashmir.

Source: Human Right watch



This post foregrounds the struggle of the Dalit community in Bangladesh against localised practices of discrimination that goes against the foundations of anti-discrimination embedded in the Constitution of Bangladesh. Meghna Guhathakurta illustrates process by which Dalits attain social empowerment and awareness through the cultivation of Gonogobeshona (Peoples Research).

As a school boy in southwestern Bangladesh, Milon Das was reprimanded by community leaders for drinking water from a glass reserved for higher caste Hindus and mainstream Muslims instead of the one reserved for Dalits like him. He was found to be guilty of breaking social norms by a salish (arbitration council) led by community leaders of the locality and asked to apologise to the shopkeeper and pay for the glass that he had 'soiled', a fine that neither Milon nor his father could afford. Luckily for them Milon's large-hearted and socially conscious Headmaster intervened. He heatedly retorted to the leaders that he himself will pay for a new glass if necessary but under no circumstance would Milon be made to apologise to the shopkeeper for using the glass! That was his human right. Milon Das is currently Chief Executive of a Dalit-led NGO called Parittran (Salvation).

Lily Biswas was a young girl from a Nomoshudra (low-ranking Hindu caste) family in Jessore who had the spunk to choose to marry beneath her caste to a young man of the Kaiputra or Kawra caste, a people whose traditional livelihood was to rear and graze pigs in a predominantly Muslim society. Though the marriage took place despite all odds, it was when Lily (having already been educated at her natal home) decided to enrol for a Teachers Training Course run by BRAC that both she and her husband found themselves thrown out of her in-laws home! She remembers being forced to live in borrowed space in someone else's porch, using borrowed utensils to cook her food before she and her husband could find a new homestead for themselves. Lily became a teacher at BRAC's primary school in the village where she introduced to a whole new generation of young Kawras the joys of learning. Lily's daughter pursued her education to become a

graduate in Political Science and is now pursuing post-graduate studies at a University.

Chaitonno Das came from a poor Rishi family whose parents were agricultural workers (Rishis are a caste traditionally associated with leather-tanning and other related work). Since his father suffered from paralysis, 10-year-old Chaitonno had to join his mother to work in the field so that the family could be fed. Chaitonno also had to work in two households as bonded labour. In between he tried to pursue an education as best as he possibly could. Being abused variously at work on several occasions, Chaitonno was spurred on to seek dignity in his life. He joined Milon's Parittran (mentioned above) in 2002 and sat his Secondary School Certificate Exam in the Open University in 2004. He is now working as a Research Assistant at Research Initiatives Bangladesh, an organisation specialising in participatory action research with marginalised communities. Chaitonno works on the issue of agro-ecology and holistic farming practices to protect the environment. He has continued to be a cultural activist and animator in his own community as well as in marginalised communities around him, encouraging the younger generations to seek education as a form of release from the subjugation that their forefather's were forced to face in their daily lives.

All three persons mentioned above were born in a country that emerged 50 years ago through a bloody struggle and peoples' war to constitute the Peoples Republic of Bangladesh. The Constitution of this country pledged in Article 28(1) that 'The State shall not discriminate against citizens on grounds only of religion, race, caste, sex or place of birth.'

Despite this clause, however, the citizens whose stories I mention above did not find this clause reflected automatically in their lives. Only through a long process of personal and social struggle could they attain equal treatment in accessing their fundamental rights of education, health and other services that the state promised them. They found friends and allies on their way. For Milon, it was the

Fathers of the Italian Catholic Church who encouraged and aided his education; for Lily Biswas it was NGOs like BRAC who pledged to make education an entry point for development at the grassroots; for Chaitonno Das, it was forerunners like Milon Das who introduced a Dalit-led agenda in the Bangladesh state that came to be known as a test case of development.

My introduction to all three came in the early 2000 through Research Initiatives Bangladesh's (RIB) programme of participatory action research or peoples' research that has come to be termed popularly as 'gonogobeshona' in Bangla lit. 'peoples' research'). Founded by a group of eminent educationists and intellectuals in 2002, RIB sought to support innovative research on poverty alleviation at multidimensional levels - economic, political and social. It focused on the very marginalised, i.e., those who fell outside the mainstream development agenda of both government- and NGO-led development. The aim of this research was to make it more inclusive of knowledge creation and innovation at experimental, presentational and practical levels and encourage peoples' orientation to action, advocacy, policy orientation and social movements. Participatory Action Research (PAR), which has a long tradition in the history of South Asia, was chosen as one of the research tools to address the marginalised but it had to be reinvented and contextualised into the locale.

Several stories which illustrate this contextualisation of PAR within these marginalised communities come to my mind. One was told to me by Milon Das of Shatkhira, with whose story I began this post. After having received a three-day training course from RIB on PAR, Milon went back to his village only to be faced by his friend and guide Father Sergio who demanded to know what he had learnt. To demonstrate that, he took Father Sergio to a village and gathered some women to sit down for a discussion on their lives in general, the problems they faced and ways in which those could be addressed. Father Sergio was satisfied with Milon's work and they both left. But after a couple of days, Sergio came back to Milon bewildered. He said that after having returned to that village, the women had persistently chased him wanting to know when they would next sit down for such a discussion. Milon replied that he had no answer to that but suggested they go back to find the answers from the women themselves. The women readily gave their answer: 'It's not that other NGOs don't come to us to discuss our problems but when they come they come with their files nestled under their arms and what

they say goes above our heads. But when Milon came to us it was different. We could contribute to the discussions using our own experiences, our own thoughts.'



They then gave an astounding comparison: 'The other NGOs are like gul (a substance with which villagers brush their teeth). You can get gul in the market, but it is so strong that used on its own, it makes our head spin! So we mix tamak (tobacco) with it to soften it. The other NGOs are like gul and what Milon made us do was like tamak.' After this incident, these village women became Milon's first gonogobeshoks in his area.

The localisation of PAR with the marginalised Dalit also produced interesting dimensions in the concepts of research itself. Instead of conceiving of research as a dispassionate process as perceived by many academics, it was internalised through the compassion of these 'people researchers' who drew strength from their personal experiences. One group of gonogobeshoks defined research (gobeshona in Bangla) by breaking it up in two syllables: go + eshona, lit. 'desire for a cow'. When asked for a deeper analysis, they said: 'when we lose a cow we search frantically for it in our desire to find it; in research we are frantically searching for the truth or answer to our problems with the same desire.' Many of us used to modernist research paradigms tend to forget this humaneness and compassion embedded in the research process.

The final answers or solutions to their gonogobeshona are left to the participants. In Bangladesh Dalit communities have done just that. Some have taken the findings of their research into a social movement, leading NGOs themselves, others into policy advocacy and still others like Lily Biswas and Chaitonno Das have chosen to live a life in dignity in whatever they do and to ensure the same life for future generations to come in their family and communities.

This article gives the views of the author and not of the position of the South Asia @ LSE blog, the LSE South Asia Centre or the London School of Economics & Political Science.

Source: London School of Economic & Political Science

The Dalit: Born into a life of **DISCRIMINATION AND STIGMA**



As a member of the Dalit minority in India, Beena Pallical knows the meaning of descent-based discrimination. The Dalit, commonly known as the 'untouchables' in India and other South Asian countries, are born into a lifetime of marginalisation, exclusion and human rights violations. They are strictly 'ranked' - based on their descent - and are thereby placed at the lowest echelon of society's classes.

In some countries, descent-based discrimination does not only permeate institutions, social structures and everyday life, it is firmly established under the law. While Pallical herself came from a family that provided for her needs, including access to education, she says that many of her 'brothers and sisters from the community' did not have such good fortune.

Injustice directed at the Dalit causes profound trauma and suffering across generations. Stigma follows an individual from birth until death, affecting all aspects of life from education, housing, work, access to justice and political participation. Women and girls are often victims of sexual violence, trafficking and are especially vulnerable to early and forced marriage, bonded labour and harmful cultural practices.

According to the International Dalit Solidarity Network, there are an estimated 260 million Dalits worldwide. The Dalit live in South Asia (India, Nepal, Bangladesh, Pakistan and Sri Lanka) and in communities who migrated from South Asia across the globe.

Deeply embedded discrimination from birth

"It starts from when they are children," Pallical says. "They are not allowed to sit at the front of the class, they are not allowed to eat with others, or play with kids from other castes. Very quickly, cliques form and the Dalit are excluded. They do not know any other way and their adult life is then deeply impacted."

With a growing desire to support the challenges facing the Dalit, Pallical left a corporate job to move to Delhi and work with the National Campaign on Dalit Human Rights. She has been doing this work for the past eleven years and is now the General Secretary.

To bring the issues to the international arena, she has also worked closely with UN Human Rights, other UN agencies and has co-organised events parallel to the High-level Political Forum, the main UN platform on sustainable development. She recently addressed the UN Forum on Minority Issues.

"I couldn't be doing anything else in my life right now," she says. "It gives me a lot of satisfaction, but at the same time it makes me very angry. How can people talk about peace and happiness and religion when they see a young woman pulled out of the field where she is working and is then raped and killed? We need to be angry, otherwise we won't get anywhere - we won't stop this."

Pervasive violence

Violence against the Dalit is a tragic, daily occurrence. According to the National Crime Records Bureau of India, some 45,935 cases of violence are recorded each year.

"In India, around ten Dalit women are raped each day," says Pallical. "The perpetrators enjoy total impunity and have a lot of political support. Because of this, we are unable to break the chain of violence and oppression."

The National Campaign on Dalit Human Rights works with victims of violence to advocate for justice and compensation from the government, while providing economic and psychological services for families.

Abuse in the online space

Hate speech and discrimination against the Dalit minority is another issue of enormous concern for Pallical and one which she and her organisation are fighting against.

While she acknowledges that the online space has allowed an avenue for marginalised communities to express their views, she says that simultaneously, it



has created a dangerous environment for them, where they are vulnerable to abuse from people who are not being held accountable. Many young Dalit women have had to stop using social media out of fear and because the abuse had reached intolerable levels.

"The people who are committing these acts of abuse do it without any conscience, without taking any responsibility for their actions," she says.

Pallical and the National Campaign on Dalit Human Rights have been working together with Twitter India to address this rise in hate speech. They are documenting the various abuses and slurs against the Dalit, as well as against other minorities, in order to have the capacity to recognise it and immediately block the perpetrators.

A dream of an equal playing field

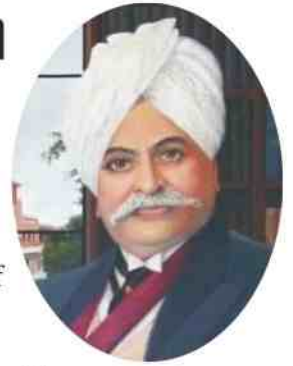
For Pallical, if children are given the same opportunities, they have every chance to grow up and flourish. She envisages a day when all children can be on an equal playing field and be free citizens, deserving of dignity and respect. She has a list of dreams for a better future for the Dalit people.

"My dream is that every Dalit child has the same opportunity as any other child, so that they can be equal citizens in this country. My dream is that every Dalit woman is respected for the work that she does and that she is not beaten up and raped, just because she is a Dalit.

My dream is that if I say I'm a Dalit and I'm at the table, I should be respected just like anybody else."

Source: office of the UN High Commissioner for Human Rights

Final resting place of Sir Ganga Ram in Pakistan to be reopened for public after 10 years



The final resting place of the prominent Hindu philanthropist and top architect Sir Ganga Ram in Lahore will be reopened for the public later this month after authorities took back the land illegally occupied by some people for 10 years, a senior official said. The Samadhi of Sir Ganga Ram is located close to the Taxali Gate of the old city of Lahore in Punjab province. It was closed for visitors for the past one decade since it was illegally occupied by a group of people.

“We have taken back the possession of the occupied land from the group of people and launched restoration of Sir Ganga Ram’s Samadhi. It will be opened for the public later this month after completion of restoration work,” said Fraz Abbas, the Deputy Director of Evacuee Trust Property Board (ETPB). He said an art gallery will also be opened showcasing the work of the great architect. “Local Hindus would be invited to its inauguration ceremony after completion of the restoration work,” he said.

Born in 1851 in Mangtanwala near Nankana Sahib, some 65 kilometres from Lahore, Rai Bahadur Ganga Ram was a civil engineer and an architect by profession.

He made extensive contributions to the urban fabric of Lahore, capital of Pakistan’s Punjab province.

Sir Ganga Ram joined the Government College Lahore in 1869 before Thompson Engineering College at Roorkee, in 1871 to complete his engineering.

Sir Ganga Ram designed the building of the Lahore High Court, Aitchison College, Hailey College of Commerce, Lahore Museum, Mayo School of Arts which is now known as the National College of Arts (NCA), the General Post Office building and the Albert Victor Wing of the Lahore Mayo Hospital.

Sir Ganga Ram donated land for the construction of a hospital in Lahore. Sir Ganga Ram Hospital was established in 1921 in Mozang area of Lahore. He died in 1927 in London at the age of 76.

Source: Tribune India



US civil rights groups urge action on caste discrimination



Advocates for the Dalit population, the lowest caste in the hierarchical South Asian social system, say the mistreatment is more prevalent in workplaces with large populations of South Asian employees, such as in the technology sector. Civil rights advocates are calling on a U.S. agency to recognize that caste discrimination is illegal under existing federal law, an issue growing more prominent as tech companies are hit with litigation by South Asian workers alleging bias based on social status.

A dozen groups, including the International Commission on Dalit Rights, pressed the U.S. Equal Employment Opportunity Commission to acknowledge that the practice of discriminating against historically oppressed South Asian groups is “an urgent contemporary U.S. civil rights and social justice issue,” according to a memo sent to the agency and obtained by Bloomberg Law. Caste prejudices parallel race bias in the U.S. because both “are social constructs designed to uphold systems of domination, exclusion, injustice, inequality and discrimination,” the memo says.

Advocates for the Dalit population, or the lowest caste in the hierarchical social system, say the mistreatment is more prevalent in workplaces with large populations of South Asian employees, such as in the technology sector. Cisco Systems Inc. last year was sued by a California agency for allegedly discriminating against a Dalit worker because of his caste. That case, brought under state law, remains pending. Apple Inc. is also defending a similar lawsuit, while Microsoft Corp. has said it's fielded complaints of caste discrimination.

The EEOC enforces federal workplace anti-discrimination laws, including Title VII of the 1964 Civil Rights Act, which prohibits bias based on race, national origin and other protected statuses. The groups say those provisions encompass caste discrimination, as well. But very few caste bias allegations have made their way through courts to test whether Title VII or state laws protect against that form of discrimination.

“The EEOC's recognition of the intertwined nature of caste and race is an urgent and crucial step towards promoting human dignity and ensuring justice, equality and nondiscrimination in the workplace,” the memo states. The EEOC doesn't have a formal “policy position” on how Title VII may apply to caste discrimination, said Joseph Olivares, an EEOC spokesman, before receiving the memo.

Ongoing Litigation

Caste discrimination occurs within South Asian communities, with workers at the bottom of the hierarchy experiencing harassment, bullying and exclusion “in private, public and places of work,” the memo states.

“Every day, on a covert basis, many Dalit Americans face discrimination that can be addressed by the American legal system,” the groups said. “All Americans must be treated with dignity and respect at work and in all other aspects of their lives regardless of caste or race, descent and national origin or another protected classification.”

American companies and their human resources departments, are being forced to grapple with these prejudices as they're imported with workers from other cultures. In the Cisco case, for example, an unnamed Dalit employee identified only as John Doe alleged he faced a hostile work environment and received less pay and fewer opportunities. But not all groups agree that caste discrimination is prevalent in the U.S.

“Caste has no legal, social, or cultural definition in the United States and is not an observable or objectively determinable trait or characteristic,” said the Hindu American Foundation, a religious advocacy group, in the group's motion to intervene in the Cisco case. The organization alleges the California employment agency's lawsuit violates the constitutional rights of Hindu Americans.

Source: Bloomberg