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**JOINT STAKEHOLDER'S
STATE REPORT**

FINAL REPORT

UPR IV

**Human Rights Status of Dalits
& Adivasis in Tamil Nadu,
India**

Prepared By

01

**Dalit & Adivasi
Organisations, Tamil Nadu**

02

**Social Awareness Society
for Youths (SASY)**

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List of Abbreviations

- CBD - Caste Based Discrimination
- CSOs - Civil Society Organizations
- DHRD - Dalit Human Rights Defenders
- NCRB - National Crime Records Bureau
- NGO - Non-Government Organization
- NHRC - National Human Rights Commission
- NPEW - National Policy for the Empowerment of Women
- PCR, Act - Protection of Civil Rights Act, 1976
- PEMSRA - Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013
- SC - Scheduled Castes [Dalits]
- ST Scheduled Tribes [Adivasis]
- SCs & STs (POA) - Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act
- SPP - Special Public Prosecutors
- SCSP - Scheduled Caste Sub plan
- TSP - Tribal Sub Plan
- UPR - Universal Periodic Review

Summary:

The Joint Stakeholder's Report is in the context of the upcoming of Universal Periodic Review IV (UPR), on strengthening national human rights protection systems and to reducing implementation gaps in terms of international human rights standards. This report describes the wider context of Dalits and Adivasi Rights in Tamil Nadu, in which caste based discrimination and violence against Dalits and access to justice must be traced. India has completed three cycles of the Universal Periodic Review a full review of the human rights record of all governments that are members of the United Nations in 2008, 2012 and 2017.

It aimed to improve the human rights situation on the ground and to realize the rights of all people in society, beginning with the most vulnerable, marginalized and discriminated. This report concludes with recommendations, with the expectation that these offer useful guidance or inspiration to the country that is seeking to create their own success stories stemming from the UPR.

UNIVERSAL PERIODIC REVIEW IV

JOINT STAKEHOLDER'S STATE REPORT

1. Introduction:

The Scheduled Castes/Dalits¹ and Scheduled Tribes/Adivasis comprises 16.6 %/ (201 million) and 8.6%/ (104 million) of Indian population and 1,44,38,445² Dalits (20.01%) and 7,94,697 Adivasis (1.10%) in Tamil Nadu population.

SCs and STs in Tamil Nadu is facing crisis which still continues and a widespread, huge segregation and discrimination is unleashed on them in Socio, Economic, Political, cultural, Gender and educational fronts. The nature and quantum of crimes against Dalits is very different in big cities and the countryside and smaller hamlets.³ Scheduled Castes are physically and socially excluded from mainstream society, denied basic resources and services, and discriminated in all spheres of life. They face various forms of exploitation and violence, as well as degrading practices of untouchability. Women belonging to these castes bore double burden and exploited by caste and gender, powerless against sexual exploitation⁴. SCs and STs are economically deprived, socially marginalized and they lack resources, access to education, employment and other income generating opportunities⁵.

¹ - Dalits are broken people and identification of assertion in the caste system and Adivasis are uniform term used across the country. Dalits are called as the 'Scheduled Castes' and Adivasis called as the 'Scheduled Tribes' are recognized and acknowledged by the constitution of India and mainly used for affirmative programmes. They were subjected to the so-called social practice of untouchability in both public and private spheres. In Tamil Nadu, we have 36 tribal communities out of 705 Adivasi groups across the country. Due to such exclusion, they had been historically deprived of access to resources, services and development, leaving most of them in abject poverty. Despite subsequent constitutional safeguards and special legislations for their protection, violations of their fundamental human rights continue on a large scale even today with the deeply entrenched discriminatory social attitude. Key issues include access to justice and rising violence against them, the intersecting discrimination against Dalit women, slavery and child labour, discrimination in education, untouchability, access to basic services, and economic and social rights.

² - <https://socialjustice.nic.in/UserView/index?mid=76663>

³ - <https://www.hindustantimes.com/india-news/crimes-against-dalits-tribals-increased-in-covid-pandemic-year-ncrb-101631731260293.html> - In 2020, a total of 1,485 crimes against SCs were registered in India's 19 metropolitan cities with a population of two million or more – indicating that 97% of the crimes against Dalits occurred in small towns and villages. The figure in big cities represented a drop of 10.9% from the previous year – a sharp contrast to overall numbers that went up. To be sure, it could also mean that lockdown strictures were more rigidly enforced in big cities, leading to lower crimes. The nature of crimes against SCs in big cities was also different. In the 20 big towns, criminal intimidation and rape were the most common crimes against Dalits. Overall, simple hurt and atrocities cases were the most common. Four, the court pendency rate of cases, especially in cases filed under the Scheduled Caste and Scheduled Tribe (Prevention of) Atrocities Act, continues to be low. This also confirms standalone reports of cases of major caste crimes taking years to reach final stage in courts and difficulty faced by Dalits in proving crimes against upper castes. The court pendency rate of cases under the SC/ST Act stood at 96.5% in 2020, up from the 94% last year. At the end of the year, 177,379 cases were pending trial under the special legislation meant to protect the marginal castes and tribes.

⁴ - https://idsn.org/wpcontent/uploads/user_folder/pdf/New_files/India/SCST_PoA_Act_20_years_report_card_-_NCDHR.pdf Pg no: 1

⁵ - **Justice Denied & People Betrayed – Pg No: 39**

1.1. Process & Methodology for the preparation of the Joint Stakeholder's Report:

This joint submission is organized by Dalit and Adivasi Civil Society Organisations working in Tamil Nadu and prepared the joint stakeholders' report to the fourth cycle of UNIVERSAL PERIODIC REVIEW. Over 2066 civil society groups, community-based organizations, and grassroots movements from different parts of the state attended the consultation and contributed to the report pertaining to Dalit and Adivasi perspective. This report emphasizes measures that the State has undertaken for the protection, promotion, and fulfilment of such commitments since the previous round of review.

The present Joint Stakeholder's Report has been prepared by culminating following experiences of local, district and state-level Dalit and Adivasi organisations. This report is endorsed by many organizations across the state of Tamil Nadu. This report is a compilation of primary and secondary sources collected from various organizations, experts working on Caste Based Discrimination and from different credible sources including the UN Treaty Bodies, UN Special Procedures and Government Reports.

2. Thematic discussion of recommendations from India's 2017 UPR Process

2.1. Access to Justice: (Caste Based Violence against Scheduled Castes & Scheduled Tribes)

In UPR-III, 15 recommendations were specific to the promotion and protection of rights of the rights of Scheduled Castes/Dalits and Scheduled Tribes/Adivasi. Of these, the Government of India supported 11 recommendations and noted four of them.

According to the Article 17 of the Constitution of India abolished untouchability⁶. The Protection of Civil Rights Act (PCRA) 1955 (renamed in 1976) and Rules 1977 made the practice of untouchability a cognizable offense demanding imprisonment⁷. The act has features including the appointment of public prosecutors for these offenses and established Special Courts and Committees to assist state governments in implementing

[-file:///C:/Users/Admin/Downloads/Justice%20Denied%20&%20People%20Betrayed%20-%20BOOK.pdf](file:///C:/Users/Admin/Downloads/Justice%20Denied%20&%20People%20Betrayed%20-%20BOOK.pdf) - There is significant difference between SC/ST and Non-Scheduled Castes (Non-SCs) on socio-economic indicators of education, gender, poverty, housing, land, employment, and other amenities. 50% of the Dalit population lives in the villages, 20% in urban areas of the entire Dalit population 51 % are unemployed and no other caste such a huge unemployment ratio is seen to exist. Despite the presence of social welfare schemes aimed at alleviating poverty and facilitating access to resources, however, due to systematic caste-based discrimination, they face difficulties in accessing state and centrally sponsored welfare schemes. For more than hundred years the casteist society created work divisions and set aside some as work that Dalits should do. Those are tilling the lands of oppressor caste landlords, as an entire family to be farmhands, palanquin bearers, to do allied work in Fishing as aides to Fisher Folk, Barber, Manual scavenging, Grave digging, building and maintaining roads, cleaning the house of a dead person, clearing gutters, burning dead bodies, washing clothes, slaughtering cows, to clear dead cows, beating the Parai drum and other drums. Most of these are still being forced upon the Dalit people. It is an open truth that the self-respect and sense of equal citizenship of the Dalits is being broken down by such practices of the Casteist society. As a result even today 76 percent of Dalit people are still working as land based day wage laborers.

⁶ - The Constitution of India 1950, Art. 17. Available at: <http://legislative.gov.in/constitution-of-india>

⁷ The Protection of Civil Rights Act 1955 (renamed in 1976; enacted as the Untouchability Offences Act 1955). Available at: <https://bit.ly/314ekhc>

anti-untouchability measures. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) (POA) Act 1989 defined criminal, economic, political, and property-related offenses committed against Scheduled Castes and Scheduled Tribes as ‘atrocities’ and designated a system to bring atrocity cases under the jurisdiction of Special Courts. After 2015, the POA Act was further strengthened through an amendment after the Supreme Court of India passed a judgment that had the effect of diluting Section 18 of POA Act 1989.

In 2018, another set of amendments were effected to further strengthen the Act and restored the provisions of the POA Act 1989 in the form of Section 18A⁸ India has also taken action to establish Special Courts and that are aimed at streamlining access to justice for the Scheduled Castes and Scheduled Tribal victims of atrocities.

2.2. Bonded Labour & Forced Labour against SCs & STs:

It is a system of modern slavery where a worker is held captive by the employer over an unpaid debt and made to work to pay off the debt. While the practice was legally dismantled through the Bonded Labour System (Abolition) Act in 1976, this form of modern slavery still continues⁹. SCs & STs especially Irular¹⁰ families are financially vulnerable and steeped in debt that several are back in the same desperate circumstances that pushed them into bonded labour in the first place. In Tamil Nadu 1,500 bonded laborers from exploitation between January and November of 2020.¹¹

Also, *Sumangali* scheme (marriage assistance scheme for girls and young women), which has been prevalent for over two decades, applies to fixed term labour arrangements for young women, mainly between the ages of 15–25 years, employed in spinning mills in

⁸ - The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2018, Cl. 2. Available at: http://socialjustice.nic.in/writereaddata/UploadFile/PoA_Act_2018636706385256863314.pdf

⁹ - **Case Study** - Kanniyammal and her husband Kannan belonged to the Irular Tribe (sub caste of Scheduled Tribes) were given an advance of Rs. 50,000 to Kanniyammal and Rs. 30,000 to her son-in-law Rajendran by Siva Udaiyar and his relative Santhosh and had taken them for working in their farm near Veppur of Cuddalore District. Kanniyammal, her husband, her 6 sons and her sons-in-law were working in Siva’s place for more than 2 years and they were provided only Rs. 100/- as wage. They were forced to work from morning 5 am to night 9 am and were not allowed to go out even for relatives’ house. Moreover, they were subjected to cruel forms of verbal abuses and caste discrimination. On 11.12.2021 Kanniyammal, her husband along with 11 others got escaped from Siva’s farm and reached Villupuram District. On 13.12.2021 SASY DHRD Babu along with the 11 persons made a direct representation and gave complaint to the District Collector, Cuddalore District on the Bonded Labour of Kanniyammal’s family for the past 2 years. By the continuous engagement of SASY with the district authorities remaining 7 persons were rescued from bonded labour and totally 18 persons were rescued from Bonded Labour and were taken to the District collectorate, Kallakurichi District. On 18.12.2021 the rescued persons were provided dry ration and compensation of Rs. 5000/-. The district collector also ensured to provide school education to 4 children who were rescued from Bonded Labour.

¹⁰ - <https://tntribalfelfare.tn.gov.in/Tribes-of-Tamilnadu.php>- The Irular are the second largest Scheduled Tribe of Tamil Nadu. The name Irula is derived from Tamil word irul meaning darkness or night. Another common name for the Irula of Chennai MGR, South Arcot, Salem, North Arcot Ambedkar, Dharmapuri, Tiruchirappalli and Thanjavur. The Irular speak a Tamil dialect whereas the other groups speak different dialects of the Irula language.

¹¹ - <https://www.state.gov/reports/2021-trafficking-in-persons-report/india/>

Tamil Nadu¹². There are 1,600 mills in Tamil Nadu with a work force of 400,000 of which 60 per cent of girls and young women, mainly *Dalit* (scheduled castes) and tribal girls from remote and rural areas, are vulnerable to the practices of the *Sumangali* scheme.¹³

2.3. Prevalence of Honour Killings:

According to National Crime Records Bureau (2018) 30 murders recorded as honour killings¹⁴. According to the Supreme Court ruling on honour crimes, 288 cases of honour killings were registered between 2014 and 2016. In an article on "honour killings," reported that Evidence¹⁵, a Dalit organization, has recorded 187 cases of caste-based killings in Tamil Nadu between 2012 and 2017.¹⁶ Especially the SC/ST girls and women are subjected to caste cruelty murders/Honour Killings¹⁷

2.4. Situation of SCs/STs in Disaster & COVID Pandemic:

The Scheduled Castes and Scheduled Tribes are vulnerable to both natural and man-made disasters because of the social hierarchy and caste system in India. Therefore, the caste discrimination and social exclusion are default systems in India which systematically ingrain segregation, vulnerability, and marginalization of these communities. These are strongly manifested during disasters.

Social Awareness Society for Youths¹⁸ had witnessed social exclusion and discrimination of Dalits and Tribals in Relief camps, during humanitarian response and rehabilitation when Tsunami hit Tamil Nadu in 2004 and these have continued with the same intensity during subsequent disasters in Tamil Nadu¹⁹.

¹² - Sumangali Scheme - Under this scheme, a significant portion of the wage is withheld until workers complete their tenure of the contract which ranges from three to five years.

¹³ -

https://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P13100_LANG_CODE:3958312,en

¹⁴ - NCRB 2018 – Pg No: 162

¹⁵ - Evidence is an organization which mainly focuses on monitoring Dalit rights and promoting social justice - <https://evidence.org.in/>

¹⁶ <https://www.justice.gov/eoir/page/file/1290791/download> - Pg No: 2

¹⁷ - <https://www.deccanchronicle.com/nation/crime/150316/81-honour-killings-in-three-years-in-tamil-nadu.html>

80 per cent of victims are SC women and 20 per cent are men. The caste Hindu women, who love or marry a SC, are murdered by their family members. On the other hand SC women, who marry caste Hindu men, are abandoned due to societal pressure. Almost 84 per cent of SC women, who are into inter-caste marriage, face humiliation due to marital discord

¹⁸ - Social Awareness Society for Youths (SASY) is a Dalit Human Rights Organisation engaged in protecting and promoting human rights of Dalits, Tribals, Women, Children and other Vulnerable Groups. SASY is engaged Humanitarian Response since 2004 till Cyclone Burevi 2020 and works in Humanitarian Response with Social Inclusive Framework and to ensure equality and dignity of all the survivors.

¹⁹ National Dalit Watch, NCDHR and Social Awareness Society for Youth, 'Tsunami to 2015 Floods: "No respite for Dalits in disaster response, Tamil Nadu" - Report of Initial Findings from Immediate Needs Assessment and Monitoring Responses towards Affected Dalit Communities'. Available at: <https://bit.ly/34nOrLC>. It revealed that Dalits are still waiting for the justice in response and how they were treated during the floods and in the process of

COVID Pandemic has resulted serious impact in the lives of Dalits and Adivasis, migrants, daily wagers, transgender, women, children, and elderly people and SASY had monitored more than 77 caste atrocities during COVID times (April – September 2020). They are naturally vulnerable, marginalized and socially excluded; it is manifested during any disaster, and it is visible during this COVID 19 Pandemic too. They are worst affected due to this lockdown as they are not able to manage even their daily survival for food and other basic needs. There is a huge loss of livelihood, and the people are struggling for their daily survival.²⁰

2.5. Status of Implementation of SC/ST PoA Act at National Level:

According to the National Crime Records Bureau (NCRB) of India, the number of cases reported against Scheduled Castes has gone up. A total of 50,291 cases were registered for committing crime against Scheduled Castes (SCs), showing an increase of 9.4% over 2019 (45,961 cases). Crime rate registered showed an increase from 22.8 in 2019 to 25.0 in 2020. A total of 8,272 cases were registered for committing crime against Scheduled Tribes (STs), showing an increase of 9.3% over 2019 (7,570 cases). Crime rate registered increased from 7.3 in 2019 to 7.9 in 2020.²¹ As a whole even after attaining 70 years of independence there is mismatch between the existence of good laws and their actual implementation in India.²²

2.6. Status of Implementation of SC/ST PoA Act at State Level:

According to the SCRB Data, Tamil Nadu recorded 1088 cases under the SC/ST Act in 2019 and 1255 in 2020²³ and the atrocities are increasing year by year. This is a progressive legislation passed against growing atrocities.²⁴

It must be noted that the number of pending court cases of crimes against Scheduled Castes under POA Act has gone up to 1, 91,448 at the end of 2019²⁵ which takes the pendency rate to 93.8 per cent. The rate of acquittal is twice the rate of conviction under POA Act. The number of pending court cases of crimes against Scheduled Tribes

rescue, relief and post-disaster care. The narratives show how children, women, and the elderly, who have lost their houses, are struggling without basic facilities

²⁰ - http://sasy.net.in/assets/e_news_letters/doc/Vol. 2 : SASY E-News lk8ni.pdf - They face existing structural discrimination and social and economic exclusion are particularly vulnerable to its most devastating impacts in the short and longer term. The spread of the corona virus and the disease it causes, COVID-19, is driving massive disruption in unorganized sectors, financial markets, exposing huge gaps in government preparation and focusing worldwide attention on citizen's health.

²¹ Crime in India 2020 VOLUME 1 - <https://ncrb.gov.in/sites/default/files/CII%202020%20Volume%201.pdf>

²² <http://www.ijir.com/socio-economic-conditions-dalit-tamilnadu>

²³ Minister of State for Social Justice and Empowerment - <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1781362>

²⁴ http://timesofindia.indiatimes.com/articleshow/84698587.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

²⁵ Crime in India 2019 - National Crime Records Bureau India (Volume II, p.116). Available at: <https://ncrb.gov.in/sites/default/files/Crime%20in%20India%202018%20-%20Volume%202.pdf>

at the end of 2019 were 30,697 with a pendency rate of 91.4 per cent. Some of the heinous offences against Scheduled Castes & Scheduled Tribes especially women that have been reported include forcing them to eat human faces, parading them naked, gang rapes, assaults, forcefully tonsuring their heads, etc. It is important that these cases are given a top priority; efforts should be made towards taking immediate and timely action investigation, prosecution, and conviction.

2.7. Recommendations:

1. Effective Implementation of protective laws – SC/ST PoA Act and Contingencies Plan-2017
2. Establishment of Exclusive Special Courts under POA Act in every district in Tamil Nadu and appointment of Exclusive SPPs for speedy Justice
3. Bring legislation on the unlawful interference of caste panchayats with marriages in the name of honour: A suggested legislative framework on protective laws for Inter - Caste and Inter-Religious Married Couples and their welfare

3. Scheduled Caste (SC) and Scheduled Tribe (ST) Women:

There are more than 70 recommendations received in UPR-III and most of the recommendations are orbited towards various themes such as gender-based violence, improving access to sexual and reproductive health services, elimination of discrimination against marginalized women, protection of sexual and gender minorities, improving women's legislative and economic participation, increasing access to education for girls, increasing resources for women with disabilities and eliminating child, early and forced marriage.

A significant proportion of India's SC and ST women consistently face verbal abuse, physical assault, sexual harassment and assault, domestic violence and rape, sexual exploitation, forced prostitution, kidnapping and abduction, forced incarceration and medical negligence. Facing intersecting discrimination on the basis of gender, caste and class, SC women are particularly vulnerable to human rights violations as well as social, economic, and political exclusion.

3.1. Status of Implementation women related legislations at National Level:

According to NCRB's Crime in India Report 2020, 6806 crimes in 2018 and 7510 crimes in 2019 committed against SC women and the crimes rose by 9% in 2020. The NCRB Data 2020, it was followed by rape with 13.7% (1,137 cases) and assault on women with intent to outrage her modesty with 10.7% (885 cases) reported the highest number of cases of crimes/atrocities against Scheduled Tribes (STs)²⁶. National Commission for Women (NCW) noted that the number of domestic violence cases has increased since the

²⁶ - Ibid – Pg .No. XIV

national lockdown started. In 2020, the complaints of domestic harassment registered a rise of 79%²⁷.

In particular Scheduled Castes and Scheduled Tribe women are often reported to bear the brunt of sexual violence as a way to punish their communities. The intersecting discrimination that they face on account of both their gender and their caste makes them a key target of violence and systematically denies them choices and freedoms in all spheres of life. The impunity to the perpetrators of these crimes is also another factor that adds the violations of their dignity and rights.

The SC/ST Prevention of Atrocities Act criminalizes two gender-specific caste-based atrocities: assault or use of force with intent to dishonor or outrage her modesty and sexual exploitation of SC women. The National Policy for the Empowerment of Women, 2001 recognizes that the underlying causes of gender inequality are related to social and economic structure and acknowledges that for vulnerable women, including SCs, access to education, health and productive resources remains inadequate.

3.2. Status of Implementation of women related legislations at State Level:

According to SCRB data, 6630 crimes in 2020 and 5934 crimes in 2019 committed against women in Tamil Nadu. There is an increase crime by 11.7%²⁸. There were 28 dowry deaths recorded in 2019 and the number rose to 40 in 2020 and they have been 11 in 2021. Molestation cases stood at 802 in 2019 and 892 in 2020. However, for crimes against women and children charge sheets were filed in only 784 cases in 2019 and just 785 cases in 2020 and so far in 2021 charge sheets have been filed only in 155 cases. Nearly 2934 cases are still under investigation since 2019 and 308 cases were disposed of claiming mistake of facts²⁹.

Moreover, the Tamil Nadu's consistent inaction in protecting, promoting and fulfilling rights for young girls and women citizens; it evidenced in official data indicating the increasing rates of crimes against girls and women, its failure to register many cases of violence against girls and women and low disposal rates of Scheduled Caste atrocity cases combined with low conviction rates to structural injustice being perpetuated and the

²⁷ <https://www.lawaudience.com/domestic-violence-during-the-covid-19-pandemic-in-chennai/> - And 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.

²⁸ <https://www.thehindu.com/news/national/tamil-nadu/tn-records-a-sharp-increase-in-crimes-against-women-children/article36506861.ece> Facing intersecting discrimination on the basis of gender, caste and class, Dalit women are particularly vulnerable to human rights violations, social, economic and political exclusion. The severe discrimination they face from being both a SC/ST and a woman, makes them a key target of violence and systematically denies them choices and freedoms in all spheres of life. SC/ST women are considered easy targets for sexual violence and other crimes, because the perpetrators are likely to get away with it.

²⁹ <https://timesofindia.indiatimes.com/city/chennai/tamil-nadu-crimes-against-women-rose-since-pandemic-action-taken-remains-poor/articleshow/86087897.cms>

Indian state's failure to comply with its international human rights obligations³⁰.

Another discrimination where SC/ST Women elected in Panchayat could not exercise their duties and Power and elected women representatives face discriminations such as excluding from flag hoisting, sitting in par with men. There are only 12 elected Dalit women representatives in Lok Sabha out of 78 members.³¹

3.3. Recommendations:

1. Serious human rights violations, violence against Dalit women, bonded labour, to be eliminated through legal and development measures.
2. Take proactive measures to improve Dalit women's legal literacy and ability to access justice, including through monitoring effective enforcement of the POA Act and providing quality free legal services to Dalit women.
3. Increase annual budgetary allocation for the protection of Dalit women and children from abuse, neglect, exploitation, and violence and in accessing various schemes.
4. Undertake planning from a gender lens that includes the intersectional vulnerability faced by Dalit women Adequate representation from Dalit and Adivasis at State Human Rights Institutions
5. Reservation for SCs/STs/Women in the post of Vice presidents /Mayors/Chairperson in the Local Government and Salary for the SCs/STs Panchayat Presidents

4. Scheduled Caste (SC) and Scheduled Tribe (ST) Children:

SC children face multiple forms of discrimination, violence, and social exclusion. When it comes to employment of Child Labour, it is reported that out of the estimated 60 million child labourers, 40 % come from Dalit families³². Spinning mill owners invented Sumangali system primarily to secure a steady labour supply of submissive adolescent female labourers. About two decades ago, with the help of contractors they started targeting young Dalit girls who had completed their basic education at the age of 14 years, and school dropouts.

³⁰ <http://ncrb.gov.in/>; <https://www.deccanchronicle.com/nation/crime/150316/81-honour-killings-in-three-years-in-tamil-nadu.html>; <https://dalitandtribe.wordpress.com/2010/02/02/plight-of-dalits-in-madurai-district-of-tamilnadu/>

³¹ - **Case Study:** SC woman name Rajeswari of Therkuthittai village, Bhuvanagiri Taluk of Cuddalore District has won panchayat election held in December 2019. She has won in the Therkkuthittai Panchayat and holding the position of panchayat president. The vice-president Mr. Mohanraj belonged to the most backward castes (Most Backward Caste) and had influenced the other non-Dalits and was discriminating the two Dalit women Rajeswari and Sukanya. These non-Dalits did not allow the panchayat president to execute the powers and to perform her duties. The vice-president had also threatened the president and the 2 Dalit women were forced to sit on the floor during the two-gram sabha and two panchayat meeting. They were subjected to derogatory forms of verbal abuse and discriminatory practices. Also, during the Independence Day, the panchayat president Rajeswari was denied to hoist the national flag and the vice-president Mohanraj's father hoisted the flag.

³² - It is estimated that 80 % of child labour engaged in hazardous occupations like carpet weaving, matchstick, and firecracker industries apart from tanning, colouring and leather processing, lifting dead animals, clearing human excreta, cleaning soiled clothes, collection of waste in slaughterhouses and sale of toddy come from Dalit background

Ascertaining the exact incidents of child marriage has been a difficult task, but the overall trend indicates a certain rise and about 6912 marriages stopped in during COVID Pandemic – according to the report of Tamil Nadu Commission for Protection of Child Rights.

4.1. Fund allocation for of SC/ST Children:

As per the notification in the 2021-22 interim budgets, From the Scheduled Caste Special Component Plan Fund of 139670 million, 34570 million is being allocated for the education of the Scheduled Caste children. However, 98580 million from this fund are being allocated to other departments for the economic development of the Scheduled Castes. Along with this, from the 341810 million of budget allocated for School Education Department in the interim budget, 68360 million is allocated to compensate the 20% population of Scheduled Castes.

4.2. Status of Implementation of POCSO Act:

India has enacted the Protection of Children from Sexual Offences (POCSO) Act 2012 to stringently deal with the menace of child sexual abuse. However, the implementation of the Act remains unsatisfactory throughout the country. According to the Crime in India 2020 Report of the NCRB, a total of 1,28,531 cases of crime against children were registered during 2020 and in percentage terms, major crime heads under ‘Crime Against Children’ during 2020 were Kidnapping & Abduction (42.6%) and Protection of Children from Sexual Offences Act, 2012 (38.8%) including child rape. The crime rate registered per lakh children population is 28.9 in 2020 in comparison with 33.2 in 2019.

According to the State Crime Record Bureau Data 2020, in Tamil Nadu around 4093 number of cases are for trial under POCSO Act, 686 cases sent for trial during last year (2021) and about 3407 cases are pending for trial from previous year (2020). 179 cases are registered under section 4 & 5 of the POCSO Act [related to penetrative sexual assault]³³

³³ <https://www.newindianexpress.com/states/tamil-nadu/2021/oct/11/one-must-be-careful-when-categorising-pocso-case-aseelopement-say-experts-in-tamil-nadu-2370182.html>; http://www.tnsja.tn.gov.in/article/pocso_material.pdf - POCSO cases are the most significant part of Crimes against Children, with a 17.5% increase in number of cases. This accounted for 3,090 cases (71.2%). Highest number of cases were reported in Chennai City (236) followed by Thoothukudi (125) and Madurai (123). 2,229 cases were reported under the head of POCSO Rape, contributing thereby, 51.4% of the total incidence of Crimes against Children. Highest incidence was reported in Thoothukudi (155 cases) followed by Kallakurichi (92 cases), Theni and Perambalur (each 81 cases), Cuddalore (79 cases) and Chengalpattu (75 cases). No case was reported in Salem City, Tirupur City and Ranipet. 861 cases were reported under the head of ‘POCSO Others’, contributing thereby 19.8% of the total incidence of crime against children. Highest incidence was reported in Chennai (81) followed by Madurai (50), Ramanathapuram (41), Kanniyakumari (40), Erode (36), Thoothukudi (33), Theni (31), Madurai City (29), Cuddalore and Dindigul (each 28), Tirunelveli and Thenkasi (each 25), Coimbatore City (23), Coimbatore (21), Nagapattinam (20), Salem City and Tiruppur (each 19), Nilgiris, Pudukottai and Thiruvallur (each 18), Salem (16), Thiruvarur, Trichy and Tirupattur (each 15) and Chengalpattu (14).³³

4.3. Recommendations:

1. Effective implementation of POCSO Act and other children related legislations in order to reduce the violence against children especially Dalit and Adivasi communities.
2. To impart nondiscriminatory/Zero Discrimination in School Educational Institutions
3. To set up and work within the boundaries of administrative reforms (including the establishment of a separate directorate for education of oppressed children) to ensure better education for oppressed children.
4. Special Component Plan / Sub-Plan Fund for Adi-Dravidar Welfare should be allocated entirely to Adi-Dravidar Welfare Department. As funds are allocated to other departments, Adi-Dravidar Welfare Schemes are not fully accessible by those people. The Adi-Dravidar Ministry should be strengthened and should be under the special attention of the Chief Minister. Also, the department's activities should be made transparent.
5. Reservations for SC & STs are denied in higher education especially in institutions like IITs. Steps taken to ensure reservations in IITs.
6. The Village Level Child Protection Committee (VLCPC) located in the villages should be strengthened and these schools should be continuously monitored.

5. SC/ST (Dalit & Adivasi) Human Rights Defenders:

In India as well as in Tamil Nadu, HRDs advocating against caste-based discrimination and violence against Scheduled Castes and Scheduled Tribes are at ongoing risk of attack for defending the rights of Dalit and Adivasi communities. The community facing most harassment, physical violence, abuses, and untouchability practices based on their caste are Dalits and Adivasis. They are being attacked, threatened, and murdered. In addition to the usual challenges, women human rights defenders face gender-specific violations, such as rape and sexual violence, which are used as tools for harassment, said activists. Women from the Dalit and Adivasi community are also facing a challenge of Caste based discrimination. They are often charged of abetment, criminal conspiracy, promoting enmity between religious groups, imputations prejudicial to national interests³⁴, false charges of offence.

India's National Human Rights Commission has established Focal Point for Human Rights Defenders aimed at providing 24-hour crisis support. India has not enacted any specific legislation to recognize and protect the Rights of HRDs including Dalit human rights Defenders within the context of the diversity of forms the Declaration may be implemented³⁵.

³⁴<https://timesofindia.indiatimes.com/city/meerut/fresh-nsa-charges-on-bhim-army-chief/articleshow/64006187.cms>

³⁵ - [UPR_Mid-Term_Report2020-WGHR-India.pdf](#) - Presently the current political context in India has changed where the existing civil society space is shrinking rapidly. Events over the last few years, including since UPR-III, have blurred the consciousness for a democracy creating a larger atmosphere and acceptability of violence and hatred. This has posed serious questions pertaining to civic space in India. While the civic space is fast shrinking, democratic institutions and processes are being attacked systematically. A new trend, among civil society actors, of silence and unquestioning acceptance has emerged due to various reasons, directly and indirectly injected by the State, which has serious implications for Indian democracy.

The recent years have witnessed systematic attacks on the media and journalists.³⁶ The Scheduled Castes and Scheduled Tribes/Indigenous/tribal people suffer disproportionately from development-induced displacement and environmental destruction and face great oppression while defending their right to land. Women Human Rights Defenders and activists who seek information under the Right to Information (RTI) Act 2005 to expose irregularities in development projects face great risk to their lives and lack protection from the State³⁷.

5.1. Recommendations:

1. Enact a law protecting Dalit and other human rights defenders, in full and meaningful consultation with civil society and in conformity with India's human rights obligations and recognition the role of HRDs are Front Line Defenders.
2. Protect DHRDs, through measures including but not limited to facilitating fast-track access to protection, access to justice and rehabilitative support for DHRDs and their families.

6. Targeted State violence/instances of torture/ill-treatment/arbitrary arrests/detention against Scheduled Castes and Scheduled Tribes:

Scheduled Castes and Scheduled Tribes suffer atrocities and discrimination in all spheres of life. The deprived caste or untouchable communities are denied the right to be treated equally and the rights to have equal protection before law. One of the most gruesome human rights violations the SC face from the widespread use of torture by the police. The torture is used for intimidating the victim to admit to false crimes and SC suffers disproportionately at the hands of the police and is at high risk of being subjected to torture while in police custody. The SC/ST Prevention of Atrocities Act, 1989, and the Supreme Court guidelines set out in the *D.K. Basu* case (1997) are available legal tools to prevent torture, illegal detention, or improper interrogation of SCs. Jurists, human rights activists, and civil rights groups, however, claim that a lack of political will allows the problem of torture and other forms of custodial abuse to continue unchecked³⁸.

³⁶ Reporters without Borders, 'World Press Freedom Index 2020'. Available at: <https://rsf.org/en/ranking/2020> - India's rank on the World Press Freedom Index has consistently lowered over the years: it ranked 138th out of 180 in 2018, 140th in 2019 and ultimately 142nd in 2020. Individuals defending the human rights to land, housing, and the environment continue to be targeted by the State as well as non-state actors through misuse of laws, arbitrary arrests and detention, defamation, intimidation, sexual harassment, and violence

³⁷ **Case Study-** Ms. Rajakumari (41) W/o Mr. Xavier Paul, of Sebaskiyar Kovil St, Vedhiyapuram Post, Manakambbai, Tiruvaiyar Taluk of Tanjore District. She is a woman human rights defender engaged in protecting the rights of Tribals (Adivasis) by undertaking fact-finding missions and assisting the survivors to access the criminal justice system for the last 13 years. In September 2019 she was about to participate in HIV Awareness Programme, Tiruvarur and was subjected to verbal abuse in filthy language referring to the caste name and outraged her modesty in public view for defending the right of the woman co-passenger in the public transport.

³⁸ <https://fightagainstuntouchability.wordpress.com/tag/custodial-abuse-and-torture-of-dalits/>; <https://timesofindia.indiatimes.com/india/1680-cases-of-custodial-deaths-registered-by-nhrc-in-10-months/articleshow/63299768.cms> - One of the most gruesome human rights violations the SC face from the widespread use of torture by the police. The torture is used for intimidating the victim to admit to false crimes and SC suffers disproportionately at the hands of the police and is at high risk of being subjected to torture while in police custody

Scheduled Castes, including those arrested for minor offenses, are often held in custody for long periods of time, occasionally at distant and isolated locations to avoid publicity where they are frequently deprived of food and water, subjected to verbal abuse and humiliation, severe beatings, and sexual perversities. 1,680 cases of custodial deaths were registered by the National Human Rights Commission (NHRC) from April 2017 – February 2018.

The police subject entire SC/ST communities to violent search and seizure operations. Dalits are often subjected to falsified charges, and physical abuse and torture following arrest. Often illegally detained and held in custody for long periods of time, subjected to caste based verbal abuse and humiliation, severe beatings, and inhuman torture³⁹, forced bribery for their release, sexual abuses, and demeaning acts. Children are arrested on falsified charges and tortured. Custodial torture and killing of SCs, by the police are condoned, or at best ignored. Exclusion of Dalit's and Adivasis is painfully evident in matters of serving hygienic food, beddings, wages, medical attention, restrictions on visiting time, while they are inside the prisons as under trials. According to NCRB (2018-2019) Out of 4, 78,600 about 1, 32,609 are SCs/STs Under trials and in Tamil Nadu there are 2466 SCs and 208 STs under trials.⁴⁰

Scheduled Castes (especially Kuravan, Narikuravar⁴¹ and Kuruvikkarar in Tamil Nadu) suffer continuous violations of their right to life and security of person through violence,

³⁹ -In July, 2017, a Dalit boy (17 yrs.) was nabbed in a false case and he was subjected to custodial torture by police officers at Pavaratty police station in Thrissur, Kerala. He committed suicide on July 18 after he was released from police custody, a day after he was allegedly nabbed in a false case.

⁴⁰ - **Prison Statistics India 2019 Pg No: 68 & 72** - According to NCRB Report (2018-2019) there are 1,32,609 out of 4,78,600 under trials from SC/ST in India and 2674 from Tamil Nadu. Most of the under trials are from Kuravar Community which is one of the indigenous communities who have been systematically discriminated and violated by the Police through their birth identity. It is very first time the National Commission for Scheduled Castes (NSSC) New Delhi took a sue motto and conducted a study with a 3 member committee where Visited 11 police stations and collected 17000 pages from police station and victims and the findings of the study were 32 cruel forms of torture by police were identified and brought the study report before the Hon'ble president of India and made specific recommendations to the police, social welfare administration and judiciary in the state of Tamil Nadu on Relief and Rehabilitation measures. But the recommendations are not implemented by the State of Tamil Nadu.

India has signed the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. A Bill introduced in the Parliament was passed in the Lok Sabha in 2010. In Rajya Sabha, it was referred to a Parliamentary Select Committee, which has made certain recommendations. These are under examination by the Government. Although India has so far not yet ratified the Convention.

⁴¹ The Narikuravas and Kuruvikaras known as Narikoravan or Narikoravar or Kuruvikaran or Kuruvikarar community are nomadic tribal communities and their main occupation became selling home-made beaded jewelry or cheap plastic products at festivals, tourist locations and around temples. Ever since they moved to the city for opportunities, the struggle has been to preserve their tradition while blending into urban life.

These communities face high level of stigma in the Indian and Tamil society. Their community is associated with being poor, dirty, uneducated and most people try not to touch them and stay away from them. This stigmatization also carries into the education system, where Narikuravar and Kuruvikara children are often subjected to several of untouchability practices and caste based discriminations. And in the employment system, where there are no Narikuravars in any well-respected social positions and has been completely discriminated and kept away from all government provisions.

The Narikuravars face institutional marginalization as well. Historically, they were placed under the Criminal Tribes' Act of 1871, signaling their threat to the Indian society under British rule. They are currently categorized by the government as one of the Most Backward Classes, which makes them part of the Other Backward Classes

including torture. The members of the community, including women, men, and children, are subjected to systematic ruthless treatment at the hands of the police⁴².

An independent report⁴³ by a committee constituted by National Commission for Scheduled Castes based on the rising number of complaints by the Kuravan community on Police atrocities found that even after 6 decades of political independence in India, the community is subjected to physical torture by the Tamil Nadu police on falsified charges. The members of the community, including men, women, and children, are subjected to systematic, continuing, ruthless treatment in the hands of the police. It has become handy for the police to catch hold of the "Kuravans" and foist false cases on them and kept under illegal detention and they undergone inhuman treatment and brutal forms of torture to extract false confession statements regarding crimes, which they had not committed.

6.1. Recommendations:

1. Fullest Implementation of the specific recommendations of the NCSC Study Report to police, social welfare administration and judiciary in the state of Tamil Nadu and accessing Justice to the Dalit & Adivasis of Targeted State Violence
2. Inclusion of Narikuravars and Kuruvikkaras in the ST List.

7. Manual Scavenging:

7.1. Status of Manual Scavenging in India & Tamil Nadu:

A significant aspect of the Indian caste system is that the employment is connected with each caste. While the dominant castes benefit from wide range of choices in occupations especially white collar and blue-collar occupations; the menial jobs got associated with Scheduled Castes, Scheduled Tribes which include sweeping streets, cleaning drains and sewers, removal of human and animal waste, leather processing, rearing of pigs.

(OBC) group. However, the community has been fighting for achieving a Scheduled Tribe (ST) status, given their low socio-economic status. After the research study conducted by the Tribal Research Centre at Ooty, it was found that the Narikuravar are from ancient tribal community in Tamil Nadu are nomadic and extremely poor. They constitute one of the most deprived and vulnerable communities in Tamil Nadu and are placed under the Most Backward Community. Though there had been some changes in the lifestyle of Narikuravars over a period of time, their social and economic status is still. It is difficult for the Narikuravar and Kuruvikkarar to access community certificate which is highly challenging for these communities to access Right to Education and Right to employment.

⁴² **A Study Report on Alleged cases of Police Atrocities against Kuravar Community (Scheduled Caste) in the State of Tamil Nadu** – It has become convenient for the police to catch hold of the Kuravans and foist false cases against them; Kuravans are kept under illegal detention and are subjected to brutal forms of torture to extract “false confessional statements” regarding crimes which they had not committed- Pg No 1

⁴³ - The “Kuravan” men are more than regularly taken from their houses and illegally kept for long time in police custody and are subjected to third degree tortures and are forced to confess statements for various criminal cases. With respect to the Kuravan women, they are verbally, physically, and sexually abused at any time at the discretion of the police. The Kuravans in the following districts like Thanjavur, Ariyalur, Thiruvavur, Salem, Trichy and Villupuram experience high levels of false criminal charges, illegal detention torture in custody, sexual abuse, and custodial deaths.

According to a National Survey conducted in 170 districts in 18 states, a total of 48,345 manual scavengers have been identified till January 2020. As per the State of Tamil Nadu's 2017 Survey, only 363 manual scavengers have been identified in the entire state⁴⁴. Around 206 manual scavengers died (sewage deaths) while cleaning sewers and septic tanks between 1993 to July 2019 in Tamil Nadu. The sewage deaths in Tamil Nadu were the highest among all States. It has been noted that about 95 per cent manual scavengers are women and most of them belong to the Dalit community. Thus, they often face multiple vulnerabilities, discrimination, and exploitation based on their caste and gender⁴⁵.

The link between manual scavenging and caste system needs to be acknowledged to make any meaningful reform in this respect. The Scheduled Castes in India as well as in Tamil Nadu continue to carry out working as manual scavengers to clean dry latrines, a practice that has been banned but remains widespread. The scavengers are having low socio-economic status because of their job nature and the society views for occupation status also they are having very limited job and getting very low salary from their working places.

7.2.Implementation of the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act 2013:

When it comes to the implementation⁴⁶ it does not provide for any concrete measures for rehabilitation and a clear plan for implementation. It is still not clear who will formulate the schemes and how they will be implemented.⁴⁷ There is little clarity on who will formulate the schemes and how they will be implemented. 2019 reportedly saw the highest number of manual scavenging deaths in the last five years with 110 workers killed while cleaning sewers and septic tanks.

Indian Railways is an institution where dry latrines exist in great numbers and a large number of Scheduled Caste individuals are engaged in manual scavenging. Despite 11 million passengers travelling by trains every day, at present there are only nine trains with

⁴⁴ <https://clpr.org.in/blog/manual-scavenging-on-a-rise-in-tamil-nadu/>

⁴⁵ UN News, 'UN rights chief welcomes movement to eradicate manual scavenging in India', 31 January 2013.

Available at: <https://bit.ly/2TIT0Q1>

⁴⁶ - The Parliament has enacted the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act 2013, which not only banned manual scavenging, a largely caste-based occupation in India, but also provided punishment for engaging any person in hazardous cleaning of sewers and septic tanks after constant efforts and interventions by the civil society and the NHRC. The Ministry of Social Justice and Empowerment has also worked together with the civil society in rehabilitating manual scavengers. In March 2020, the Government of India prepared a Rs. 1,250 billion National Action Plan to be implemented in a phased manner to put a complete end to manual scavenging which aimed to acquiring high technology machinery in 500 cities and major gram panchayats to clean sewers without any human interface.

⁴⁷ -Wilson, B., Safai Karamchari Andolan, quoted in Jitendra. (2013, 10 Sep). 'Manual Scavenging Prohibition Bill: How Effective', Down to Earth

436 coaches fitted with bio-toilets, while 4,000 coaches are produced annually which could be fitted with new bio-toilets⁴⁸.

Out of 914 deaths across the country, 219 in Tamil Nadu and Tamil Nadu ranked first (2020-2021) in the country in manual scavengers' death⁴⁹ and they were contract labourers with minimum wages from Dalit and Adivasis. Especially during the COVID Pandemic the sanitary workers and manual scavengers were provided less safety measures. And the sanitary workers who were involved in the preventive measures of COVID 19 Pandemic had died during these crucial days and no compensation/relief has been provided to the deceased families.

7.3. Recommendations:

1. Serious human rights violations like manual scavenging to be eliminated with time bound national action plan including stringent implementation of the existing legal mechanisms, relief & rehabilitation, and development measures.
2. Fullest Implementation of the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act 2013 and Installation of Bandicoot Robots introduced in Tamil Nadu replacing manual scavengers

8. Socio-Economic Rights of SCs/STs:

In India, several individuals, groups, and communities face great discrimination in accessing their rights to land and adequate housing, most commonly on the intersecting axes of caste, gender, age, religion, marital status, physical ability, and income. The most affected groups include single women, Muslims, Dalits/Scheduled Castes, Scheduled Tribes/Adivasi/Indigenous/tribal people, religious and gender minorities, migrants and internally displaced persons, homeless and landless persons. Land ownership and has been historically linked to caste status in India.

As per the Socio-Economic Caste Census 2011, 54.71 per cent of Scheduled Caste households are landless; 70 per cent of Scheduled Castes farmers are labourers on farms owned by others, 17.69 per cent Scheduled Caste households own a house⁵⁰.

Not only do Scheduled Castes own less land compared to their share in population, their land holdings are much smaller in size often forcing them into widespread economic distress. Scheduled Castes directly suffer from landlessness and homelessness due to the violence and discrimination historically perpetuated against them. The Scheduled Caste communities regularly face discrimination and violence while trying to access adequate housing and land. They own the lowest percentage of land in rural India (9.23%); the average area owned per Scheduled Castes household is about 0.27 hectares. In many villages, Scheduled Castes

⁴⁸ - Analysis and Recommendations in the Context of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill. Bhopal: Rashtriya Garima Abhiyan, pp. 10-11(2012).

⁴⁹ <https://www.hindustantimes.com/india-news/no-manual-scavenging-deaths-941-died-while-cleaning-sewers-govt-101628105749227.html>

⁵⁰ Scroll, 'Across India, Dalits are still fighting to claim lands promised to them', 9 June 2019. Available at: <https://bit.ly/36gB7bD>

settlements are located on the peripheries without access to basic services. Purchase of land by Scheduled Castes is difficult; incidents of forcible occupation by other castes of land distributed to Scheduled Castes are commonly reported. 71 per cent Scheduled Castes are landless labourers, who work on the land that they do not own. In rural areas, 58.4 per cent Scheduled Castes households do not own any land at all⁵¹.

While coming to the economic rights it is very important to bridge the gap between the Scheduled Castes and Scheduled Tribal communities. The Government had drafted a policy of budget allocations for their specific issues. Financial year 2020-21, the budget allocation for the Scheduled Castes stands at Rs. 832.57 billion and at Rs. 536.53 billion for the Scheduled Tribes. 323 schemes for the Scheduled Castes and 331 schemes for the Scheduled Tribes have been devised under the Allocation for the Welfare of Scheduled Castes (AWSC) and the Allocation for Welfare of Scheduled Tribes (AWST) respectively. While the Government has acknowledged the need for development of the Scheduled Castes and Scheduled Tribes, it is not reflected in the budget for the financial year 2020-21. There is a total gap in allocation of Rs. 1,229.98 billion under the Scheduled Castes budget and of Rs. 576.06 billion under the Scheduled Tribes budget. Out of the total budget allocated for the Scheduled Castes, only Rs. 161.74 billion is for targeted schemes (19% of the allocated budget); for the Scheduled Tribes, this amount is at Rs. 194.28 billion (36% of the allocated budget). This shows that most of the schemes are based either notional allocation or general allocation.

8.1. Recommendations:

1. Conduct a complete assessment and audit of all current schemes relevant to supporting access to social and economic rights with attention to overcoming existing barriers to access for Dalit communities.
2. Bringing a State legislation on Special Component Plan and Tribal Sub Plan in Tamil Nadu
3. Ensure that all training programmes are gender sensitive and based upon up-to date market analysis so that training results in sustainable livelihoods, imparts marketable skills, and includes ongoing support to participants until they have secured jobs or established a functioning business.
4. Coordinate action to advance social and economic rights for Dalit communities between all concerned ministries and government stakeholders, including but not limited to the Ministries of Social Justice and Empowerment, Drinking Water and Sanitation, Rural Development, Housing and Urban Poverty Alleviation, Urban Development, Women and Child Development and Labour.

9. Dalit Christians:

The Preamble to the Constitution of India has proclaimed the country as a sovereign, socialist, 'secular', democratic, republic.⁵² Also the articles 25 to 28 guarantee the fundamental right to profess one's religion. Secularism in the Indian context was envisaged to mean not just separation of the State and religion, but also the principle that State will not

⁵¹ Hindustan Times, 'Landlessness takes away Dalits' legal and official validity as Indian citizens', 1 July 2019. Available at: <https://bit.ly/3okOj7u>

⁵² The Constitution of India 1950, Preamble. Available at: <http://legislative.gov.in/constitution-of-india>

discriminate, patronize, or interfere in the practice and profession of any religion. Article 30 of the Constitution, “a minority—whether linguistic or religious—is determinable concerning a state and not by taking into consideration the population of the country as a whole”⁵³

Religious minorities in India (mainly Muslims and Christians) face severe discrimination⁵⁴. Though Dalit Christians (Dalit Muslims) face the same caste-based discrimination and disability in all domains of their faith, they are denied of the Scheduled Caste status by the discriminative Presidential Order 150 para 3 which prevent them from enjoying the Affirmative Action privileges and benefits that are ear marked for those who are from Untouchability origin. As such, Dalit Christians are not eligible to avail the benefits from protective constitutional and legislative mechanisms and the affirmative action privileges that are in place for SCs to empower them in the field of education, employment, economic advancement and electoral domains. This is violation of article 14 and 15, and 25-30 of the Indian Constitution.

9.1. Recommendations:

1. Reservation measures must be extended to Dalits of all faiths, especially to Dalit Christians and Muslims, who are presently excluded from the reservation benefits owing to religion-based discrimination.
2. Extension of Scheduled Castes status to Dalit Christians and Dalit Muslims of Scheduled Castes Origin.
3. The provisions of SC/ST PoA Act to be extended to Dalit Christians

10. Overall Recommendations:

1. Take proactive measures to improve Dalit women’s legal literacy and ability to access justice, including through monitoring effective enforcement of the POA Act and providing quality free legal services to Dalit women.
2. The Supreme Court has designed a legal framework and provided to the union government in order to reduce the incidences of caste cruelty murders to bring legislation on the unlawful interference of caste panchayats with marriages in the name of honour: A suggested legislative framework on protective laws for Inter -Caste and Inter-Religious Married Couples and their welfare

⁵³ TMA Pai Foundation and Ors. v. State of Karnataka and Ors., AIR 2003 SC 355.- India is the world’s second-most populous country with over 1.33 billion people and continues to be a land of diverse faiths and sects and is the birthplace of four major religions: Hinduism, Buddhism, Sikhism, and Jainism. Islam and Christianity are the second and third largest religions in the country and have seen a presence for several centuries in the country

⁵⁴ - See Sacchar Committee Report on the social, economic and educational status of Indian Muslims, available at: <http://minorityaffairs.gov.in/sachar> and Ranganath Mishra Commission report, available at: minorityaffairs.gov.in/nrclm - Dalit Christians and Dalit Muslims face discrimination on accounts of both religion and caste. Dalits who converted to Christianity did not escape the caste system which has a strongly fixed presence in Indian society. The different branches of Christianity in India still engage in these societal practices with regards to the caste system, along with all its customs and norms. The Roman Catholic Church treated the caste system as part of the Indian social structure and, for much of its history in India; it chose to work within the established social system. Other major factors affecting Dalit Christians and other Christians within India in regard to caste statutes are the regional variances in maintaining the caste system

3. Reservation for SCs/STs/Women in the post of Vice presidents /Mayors/Chairperson in the Local Government and Salary for the SCs/STs Panchayat Presidents
4. Conduct direct election for panchayat presidents in the constituencies in the panchayat area under the 73rd Constitutional Amendment
5. Reservation in Private Sector
6. Bringing a State legislation on Special Component Plan and Tribal Sub Plan in Tamil Nadu
7. Protect DHRDs, through measures including but not limited to facilitating fast-track access to protection, access to justice and rehabilitative support for DHRDs and their families.
8. Serious human rights violations like manual scavenging to be eliminated with time bound national action plan including stringent implementation of the existing legal mechanisms, relief & rehabilitation, and development measures and complete Installation of Bandicoot Robots introduced in Tamil Nadu replacing manual scavengers
9. Inclusion of Narikuravars and Kuruvikkaras in the ST List
10. Extension of Scheduled Castes status to Dalit Christians and Dalit Muslims of Scheduled Castes Origin.