

**Reclaiming Dignity, ensuring inclusive development-  
The Struggle for Dalit Human Rights in India**

# **Delhi Declaration**



*World Social Forum 2007*

**Another World is Possible**

The WORLD SOCIAL FORUM was conceived as an open meeting space , marked by a mass international movement against the effects of neo-liberal economic policies being persuaded in most of the countries and against the neo liberal globalization growing at a fast pace thought the world. Starting in **Porto Alegre** from **25<sup>th</sup> January 30<sup>th</sup> January, 2001** WSF has come along away in realising a vision for a free flow and exchange of knowledge and experiences of people and organizations coming from different parts of the world having varied cultural, social, religious background but a common objective to fight against neo-liberal globalization, imperialism & capitalism. It provided a platform to carry out social movements, discussing various alternative mechanisms, formulating democratic policies and proposals, networking of national and international social organizations.

**PAIRVI's** association with World Social Forum began with the participation at the **Asia Social Forum** held in Hyderabad from January 2-7, 2003 and continues till date. PAIRVI's participation would revolve around Human Rights in the upcoming WSF 2007

### **INDIA SOCIAL FORUM ISF 2006**

PAIRVI also had the opportunity to participate in the recent ISF Meet, 2006 and henceforth took the cause of Dalit Rights further by organizing a seminar on the 11<sup>th</sup> November'06 on “The New Frontiers of Dalit Human Rights”. Prior to the seminar at ISF two similar state level consultations were organized at Mumbai and Delhi on 2nd & 6th November'06, respectively. As proposed, a joint statement was formulated to put forward during the ISF Meet. Various issues pertaining to Dalit Rights, the discrimination faced by them from education, to employment to livelihood, the atrocities done on them by the higher caste people, and how low the position of a Dalit Woman is, where she is doubly discriminated due to her status of a woman and a Dalit, were discussed by the key speakers. As the main focus of the discussion was whether Reservation is the crux of Affirmative Action or new frontiers can be explored. Therefore few suggestions were made, wherein; Dalits should be seen as empowered members of society and not as a victim. This could be possible by integrating them properly into the societal structure and by giving them their due rights of being a human being. This publication showcases various aspects of Dalit Rights and has been successful in capturing various suggestions and recommendations made by eminent personalities who have devoted their lives to make Dalit Rights, a Human Right and relive them of the societal discriminations and stigma.

## Preface

India in 2007 will celebrate its 60 years of Independence showcasing its liberation from colonial powers and enjoying the freedom of expression and movement. Unfortunately, the free and independent India even after decades of achieving independence still remains stuck to the age old traditional practices of caste discrimination and untouchability. A huge section of society including the Dalits, Tribals, women and other vulnerable /marginalized section continues to face discrimination and oppression in the hands of the upper caste and power holders.

PAIRVI, CECOEDECON and CDHR together made an effort to take the cause of Dalit Rights further and organized a Consultation during the recent ISF Meet, 2006 on 11<sup>th</sup> November '06 on “The New Frontiers of Dalit Human Rights”.

The Consultation facilitated a national debate on the issue of Caste discrimination, and the interventions needed to eliminate this. Although there was a broad understanding that the impact of the caste based discrimination has taken a toll on the democratic independence of the effected and reservations in the past so many years has been one of the useful mechanisms to do away with the menace, but the crux of the debate focused on identifying affirmative actions to give new direction to the fight for Dalit Rights.

The group felt that a holistic approach was required, covering all the areas from livelihood, to land reforms, to education, employment, social and economic empowerment and bring the Dalits at par with the other sections of the society. However it was also felt that the need of the hour is to change the societal attitudes and mindset of the people by sensitization and awareness building.

Towards the end of the Consultation it was unanimously agreed that the challenge lies in ensuring and enforcing governmental affirmative actions and effective implementations of National Mechanism and Instruments and a strong need was also felt for advocacy of the rights of the Dalits.

Taking a cue from the Consultation, we appeal to the Government(s) and Dalit Rights activists to address the issue of caste discrimination at WSF, 2007 in a positive and constrictive manner.

We also appeal to all, that while it is important to raise the issue of discrimination in an effective manner, we need to be careful not to create new barriers between and among different social groups in our society.

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*Our Struggle is not for Wealth Or for Power*

*Our Struggle is For Freedom*

*Our's is a Struggle for the reclamation of human personality...Dr .  
B. R Ambedkar*

*India's Dalit's - Between Atrocities and Protest.....*

# DELHI DECLARATION

## on

### New Frontiers for Dalit Human Rights

We, the participants of the Consultation on “New Frontiers for Dalit Human Rights” held on 11<sup>th</sup> November 2006 at the India Social Forum 2006, which was preceded by regional conferences in Mumbai and Delhi on the same issue and attended by Defenders of Dalit Human Rights, Human Rights NGOs working in different states in respective regions, strongly condemn discrimination in any form against any section of society, and affirm our belief in the social, economic, cultural and political equality of all human beings. We particularly condemn the ghastly acts of atrocities on Dalit families such as Kherlenji village in Maharashtra, and demand immediate action against the perpetrators of the crime.

We commit ourselves to uphold the democratic values laid out in the Indian Constitution and International agreements, and adopt this declaration.

#### PREAMBLE

**Recognizing** the reality of caste-based discrimination being deeply imbedded in our society,

**Taking Note** of Constitutional provisions, social legislations and other national instruments to uphold the Universal Standards of Human Rights under UN treaties and covenants,

**Recalling** the contribution made by our founding fathers and other national leaders in eliminating social discrimination and establishing a just and democratic society,

**Encouraged** by the solidarity expressed by NGOs and other civil actors such as academicians, political activists and media representatives for promoting social justice through affirmative actions to end discrimination,

**Recognizing** the presence of inter caste and class mobility and vibrancy of Indian civil society, despite caste stratification, and commending the achievements made through implementation of affirmative actions,

**Realizing** that dignity and socio-economic empowerment of dalits is the key to the promotion of respect for human dignity & humanitarian values,

**Also realizing** the need to move from a victim perspective to empowerment approach in Dalit empowerment

#### DECLARE THAT

- ≈ Dalit rights are an issue of Basic Human Rights, and as such the concern of the entire nation, not limited to certain sections of the Society;
- ≈ The practice of untouchability is at the core of human rights violations based on work and descent, and its complete elimination should be the first priority of human rights defender, and
- ≈ We totally and unequivocally reject peoples' positioning in society based on birth (janamana practice)

*The participants of this meeting call upon the government and civil society to:*

### **Administrative and Legal Measures:**

- Ensure full implementation of constitutional affirmative action, and special legislations such as SC, ST (Prevention of Atrocities) Act, 1989, including the appointing of special courts, special prosecutors, and vigilance and monitoring committees. All incidences of violence against dalits must be immediately addressed.
- Surety of punishment rather than severity of punishment has proved to be a more effective deterrent against the atrocities, and could guide our legal measures
- All national bodies especially National Human Rights Commission, National Commission for Women, Commission for SC&ST and other such statutory bodies be strengthened and given more powers to deal with human rights violations.
- We demand that these institutions regularly monitor, publicize and undertake research based activities to evaluate the extent to which the existing laws have been implemented and have been able to bring about a positive change in the situation of the dalits.

### **Affirmative Action**

- ≈ The affirmative action for Dalits should be seen in a holistic perspective, from Dalit security to livelihood reservation, and thus not limiting affirmative action to reservation in jobs and education (although the backlog needs to be filled with a sense of urgency)
- ≈ There should be no tempering with the reservation:
  - neither through creamy layer omission, or through
  - reservation for 'Dalit Christians' and 'Dalit Muslims' as they do not face the same kind of oppressive caste discrimination
- ≈ The affirmative action should also extend to reservation in judiciary, public prosecutors, private sector, cooperatives, bank loaning and so forth.
- ≈ Dalit entrepreneurship needs to be developed and their share/space be ensured in the entire chain of demand and supply
- ≈ Budget allocation should be strictly monitored and any attempt through mid term reviews etc to divert funds from Dalit programmes should be stopped immediately.

### **Socio-economic and Educational Measures:**

- In rural India, entitlement to Land is still important, it is also a symbol of dignity. Immediate and effective implementation of land reform programs is needed. This is the key to socio-economic development and Dalit empowerment at the grassroots level, and therefore should be the focus of the economic policies of the state.
- Maintaining and promoting Dalit dignity should be cardinal principle for ensuring rights of Dalits. A nationwide public awareness campaign regarding the prohibition of atrocities, untouchability and other forms of discrimination against Dalits should be launched.
- Implement, facilitate and monitor effective poverty alleviation program in coordination with NGOs and other such institutions

- In order to overcome social prejudice specific strategies need to be adopted, such as ; Inclusion of human rights issues with special focus on dalit issues in the teachers training programs.
- Monitoring and analyzing of educational syllabus and text-books that perpetuate prejudices and discriminatory attitudes and implementing alternatives for providing human rights education in school and colleges.
- Inclusion of human rights issues in training programs of the police and administrative officials, focussing on re-socialization and promotion of the true spirit of equality, dignity of the human being and humanitarian values.

### Focus on Gender

- Ensure equal opportunities for Dalits women. Recognizing that within dalit communities' women are most vulnerable and oppressed, special attention be paid to their problems. Women should take part in legal literacy workshops in order to become familiar with the laws and their rights and to enable them to pass on that training to other members of their community.

### State and Local Action

Keeping in view the immense diversities of culture, religion and even regions in India, it is a Herculean task to focus on change only at national levels. It is imperative that state level bodies for monitoring and enforcing the legal provisions for the Dalits are strengthened, empowered and mobilized to take strong affirmative actions.

- Training of all officials concerned with the administration of laws from the police to other officials should be undertaken with total focus on imparting the spirit of human rights.
- NGOs, activists and other like minded individuals/organizations working at the grassroots level should partner with state, district and local bodies to implement programs and policies related to education, health environment and overall poverty alleviation.

### *Recommendation to Civil Society Organizations:*

- We recognize the important role and the strength of the civil society in evolving strategies to fight against discrimination and establish an egalitarian and democratic society and recommend that the NGOs, legal rights activists, and all other concerned persons set up a national forum, which acts as an ombudsman, having the following characteristics :
  - a. It must conform to the principles regarding the status of a national institution for the promotion and protection of human rights.
  - b. It must be visible and accessible to the population.
  - c. It must be able to initiate investigations, issue recommendations and institute legal proceedings in cases of discriminations.
- The media should take a more pro-active role in, not only highlighting the dalit atrocities, but also focus on debate and discussions on dalit issues on a timely regular basis. Also initiatives should be taken by the media to highlight strategies, legal review and pressure building on the state for Implementation of the laws.

Declaration adopted at India Social Forum on "New Frontiers for Dalit Human Rights" ,  
on 11<sup>th</sup> November 2006

# NEW FRONTIERS FOR DALIT HUMAN RIGHTS

## Background paper

Affirmative programs and policies are instituted by the State to ensure social justice and equal outreach of services to those sections of a given society which have been marginalized either historically or because of socio-economic deprivations. In many ways these policies have to be consistently monitored, evaluated and reorganized in consonance with the requisite changes in socio-economic fabric of the society. In India affirmative action has been largely focusing on reservations in the employment sector and it has a very narrow and limited outreach. There is a strident demand from several Dalit groups for reservations in private sectors as well. This demand needs to be examined critically from the point of view of that Dalit population which lives in poverty, is denied access to education, remains in the fringes of the economy and is struggling for survival.

Despite several schemes and policies to ensure the inclusion Dalits in education and employment the impact has been limited to a small section of the Dalit population. This clearly indicts the State and its lack of commitment to ensure inclusion and promotion of Dalits in the larger mainstream of socio-economic life of the nation. This situation has been further exacerbated with the introduction of New Economic Policy (NEP) and with the Structural Adjustment Programme (SAP) in response to the rapid globalisation processes. In essence NEP aims at progressive reduction in the role of 'state' in the economic management of the country and securing a transition towards a 'free market' economy. This inevitably means that the government would gradually withdraw from the welfare sector and public sectors would shift towards privatization. It is necessary to keep in mind that all these moves are in consonance and in compliance with the world situation and even if the State wants otherwise, the all-pervasive tide of globalization cannot be stopped.

The negative implications for those Dalits who are already poor, socially and economically marginalized and facing the brunt of these policies is evident. There are several areas where affirmative actions can play a significant role in promoting the rights of Dalits. These are:

### Land Reform and Rights

There is an urgent need to ensuring and land rights of Dalits and provide them inputs to sustain and develop agriculture and other economic activities. Land rights have been a neglected arena which the Dalit NGOs have not taken as a serious issue. Wherever the Dalits have asserted their land rights they have met with resistance and violence to which the State has either remained as a mute spectator or has been a willing partner through gross miscarriage of justice in implementation of laws against such violence. With corporatisation of land in response to the globalisation agenda there is an increased trend to see land only as a productive resource not as a means of sustenance and livelihood for the poor. Dalit movements need to strongly advocate for land rights as a large majority of Dalits live either in the rural areas or they populate the poorer sections of the urban unorganized settlements.

### Dalit Child Rights

One arena which has not attracted Dalit movement much is that of child rights. Dalit children are denied access to quality education at all levels. Studies have revealed that they face discrimination from early years beginning with denial of preschool days when they are not allowed into anganwadis. There is a strong need for advocacy for the rights of the Dalit children through various protective and punitive measures to ensure the immediate cessation of educational deprivation. Efforts of child rights organizations have yielded positive result with the 86<sup>th</sup> Amendment and this Constitutional provision needs to be translated into appropriate policy and



programmatic strategies which will promote inclusion of all marginalized children into a common school system. Reservations for jobs will become meaningful only if each Dalit child is receiving good quality education and hence reservations and educational access need to be promoted in a complementary way, not in isolation.

## Dalit Women

Dalit women are subjected to multiple oppressions of class, caste, gender, and cultural at all levels (household, village, district, state, national and global) by both men and women, from all castes and classes. Dalit women caught within these intersections are the most marginalisation within the Indian society. The experiences of poor, rural Dalit females are different from those of other poor and rural groups, from other Indian women, and from Dalit males. Consequently, the vast majority of affirmative action policies and programs which are targeted towards the rural areas, the poor, women or Dalits do not necessarily reach perhaps the most disadvantaged group - i.e., poor, rural Dalit women. There are strong movements rallying for women's rights to land and livelihood rights (WGWLO, CWLR and several others) and it is these that need to be fostered and Dalit women's rights should be incorporated into their advocacy efforts. Crucially when Dalit women are regarded as identities of the Dalit community by other castes they face violence but is what becomes even more negative for Dalit women is when they are projected as *victims* of their communities to rally for their rights. In such a situation their agency and economic rights are overlooked in the rush to project them as *victims*. Affirmative action programs and policies should be designed specifically to improve the status of rural Dalit females, and such policies and programs need to take into account the specific nature of the interconnections of gender, caste and class oppressions at all levels, along with the need to incorporate Dalit women and girls themselves into decision-making and leadership.

## Reservation as panacea of all ills?

India has adopted the policy of caste based reservation to help the marginalized and the downtrodden come at par with their brethren through providing them reservations in employment. The core objective is to create a discrimination free and classless society. Without undermining the value of positive discrimination and affirmative action, one is really put to wonder whether reservation is the only means for advancing social justice which the state has to fall back on and whether reservation truly represent the spirit of affirmative action. Furthermore, whether it has been able to achieve its normatively desired goals?

The provision of reservation was formulated by the founding fathers of the Constitution in the expected that within a maximum of fifty years, the educational infrastructure of the country would be strong and wide enough to be able to dispense quality, skill and employment oriented education to all and thus the need for reservations would be obviated. The pious hope has remained a chimera. What has happened is exactly contrary to that. Reservations have boiled down to caste based reservation which has perpetuated the caste identity which the constitution so arduously wanted to do away with.

Our practice of reservation has been deeply flawed. India's political parties have been guilty of exploiting and paying lip service to the cause of dalit rights. The mincemeat of affirmative action in the form of piecemeal reservation and the tangled debate around it has really confined the trajectory of dalit movement to the question of reservation. This has trivialized rather more important issue of focusing relative efficiency of alternative policies that can remove the discrimination more efficiently and promptly. It very clearly underscores the need of empowerment through access to education and health services, besides employment. Furthermore, the almost forgotten agenda of land reforms need to be brought up the table; it will definitely reach out to more dalits than employment can ever reach. Only it can guarantee that less fortunate could be co-opted within the mainstream society.

The international activism and international human rights bodies have also disillusioned people by their inactivity and inability to force the national government to make proper advances in the direction of affirmative action. It is disappointing to note that report of the UN special Rapporteur on caste based and descent based works only advises “reservations for dalit Christians” as a policy measure to set the historical injustices right. Durban conference though provided a fillip to the dalit rights movement in the country failed to give it a logical direction.

### **Conclusion**

To ensure equality and more so substantive equality where those obstacles which stand in the way of the Dalits to equal access to all resources affirmative actions have to be more realistic, widespread and comprehensive, covering issues of land and livelihood rights, education and empowerment. The placebo of reservations offered by political parties has very effectively sidelined these issues. It is these which of concern and interest of the larger majority of the Dalit population in India. Besides other policy imperatives as talked about earlier, there is a need to create convergence of dalit movements with other sectoral movements targeted at various groups and include dalits as integral part of those. The urgency demands the state to play a proactive role while it also stresses upon the dalit movement to forge ties with movements which have been working with various themes including development, social justice or empowerment.

### **Public Advocacy Initiatives For Rights and Values in India (PAIRVI)**

PAIRVI is an independent advocacy support non-profit organization, which aims to work towards facilitating positive social change through non-violent means, informing both the public and those who frame public policy. In addition, it seeks to support collaborative efforts between individuals and organizations committed to advocating on behalf of the downtrodden and the oppressed.

PAIRVI's mission is to increase the advocacy competencies of various grassroots organizations working in North India, so that they can advocate more effectively in favour of the marginalized, particularly on issues related to caste, class, gender, the environment as well as human rights. PAIRVI also believes that rights and needs of a child are synonymous and thus it is campaigning for child rights at the national level.

### **Center for Community Economics & Development Consultants Society (Cecoedecon)**

Cecoedecon is a non-profit organization, which has been working relentlessly for the downtrodden and the marginalized sections since the past two decades. Cecoedecon's mission is to take direct action to build the capacities of its target groups- scheduled and marginal farmers, the landless and the deprived women and children, so that they are able to take action, independently and effectively, to secure their long term well-being thereby, promoting their self-reliance and empowerment. Cecoedecon's core programmes run in the areas of natural resource management, health, gender & development, child development, institutional development programmes at the local levels.

At the national level, the organization's networking and advocacy activities extend throughout north India, along with the promotion of several institutions at the state and national levels.

### **Centre for Dalit Human Rights (CDHR)**

The Centre for Dalit Human Rights at Jaipur was inaugurated on 13<sup>th</sup> December 2001. The principle mission of the Centre is to defend, protect and promote the rights of the poor & deprived sections of society particularly in Rajasthan. The main aim of The Centre is to regain the momentum created by the Durban Conference and get down to the lowest level in Rajasthan particularly the commitments made at Durban a reality.



# Dalit Rights are Human Rights

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