



To

14.05.07

His Excellency the President of India
New Delhi

Dalits Demand “National Call to Eradicate Untouchability”

His Excellency,

We the undersigned – Jury, Victims and Survivors and people in solidarity - who participated in a National Level “Indian People’s Tribunal on Untouchability” organised by NCDHR and HRLN together with 56 State and National level Dalit organisations in New Delhi on the 12th and 13th May 2007 submit this **Memorandum with a Demand for the proclamation of a “National Call to Eradicate Untouchability.”**

While the country is remembering and celebrating the **150th anniversary** of the first sparks for independence and sixty years of its independence, We place this **‘National Call to Action’** for a joint effort by the State, political parties, Dalit communities and Civil society organisations to eradicate Untouchability and make freedom real and meaningful to the **160 million Dalit** women, children and men in our country.

Continuing Practice of Untouchability

We painfully recognise that Dalits, who contribute all their sweat and labour for the development of this nation in various fields as organised and unorganised workers **do not share in the 9% growth and 7.4% increase in the per capita** income in real terms, whilst India is being counted as one of the emerging Economic Powers of the world.

A survey of practices of untouchability undertaken in 565 villages in 11 major states of India reveals unconscionably that in as many as 38 percent government schools, dalit children are made to sit separately while eating. In 20 percent schools, Dalits children are not even permitted to drink water from the same source. A shocking 27.6 percent Dalits are prevented from entering police stations and 25.7 from ration shops. 33 percent public health workers refuse to visit dalit homes, and 23.5 percent Dalits still do not get letters delivered to their homes. Segregated seating for Dalits was found in 30.8 self help groups and cooperatives, and 29.6 percent panchayat offices. In 14.4 percent villages, Dalits were not permitted even to enter the panchayat building. They were denied access to polling booths, or forced to form separate lines in 12 percent of the villages surveyed. Despite being charged with a Constitutional mandate to promote social justice, various local institutions of the Indian state clearly tolerate and even facilitate the practice of untouchability.

We express with anger and anguish that the flames of **Kherlanji** and the series of atrocities committed on Dalits in **Haryana** close to the capital of the country, are the indelible proofs that the '**Life and Security**' of the Dalits is at stake at the hands of Non Dalits. Even as India actively campaigns for a seat in the **UN Security Council to protect the interests and concerns of the people of the entire world, the duty bearers here fail to protect their own.**

No longer will we be forced to accept that long standing beliefs and notions such as untouchability and caste hierarchy will take a long time to disappear or that the generational disabilities endured by Dalits are the only cause of their lack of voice, participation and development in par with other communities. On the contrary, we proclaim that designated duty bearers and the justice delivery mechanism in place to protect the life and security of all people, lack political will to protect and promote the rights of Dalits, who face all forms of violence in the name of **caste** which has been **rightly equated with "apartheid" by the Prime Minister of India** on the 26th and 27th of December at the 'International Conference on Dalits and Minorities'.

We painfully recognise that **persons and organisations** who speak up for the rights and development of the marginalised and exploited, **have not been adequately sensitised** to address the issue of caste and caste based discrimination and violence.

We would like to submit, while the Constitution declares all its citizens equal, our experiences continue to be one of exclusion, humiliation, degradation, and violence. We refuse to accept this situation any more. Untouchability is a complex issue with multiple forms, but we no longer wish to be treated as 'Untouchables' in this society where, our **Constitution clearly upholds equality, liberty and dignity to all its citizens.**

We find that crimes of untouchability are perpetrated by the **impunity** enjoyed by the **Non Dalits** and the Criminal Justice Administrative System of our country. The **Duty bearers** of this country either collude with the dominant castes or are coerced to collude by the pressures of some sections of the dominant castes who take pride in maintaining Caste system.

Therefore we urge the Indian Government to declare a "NATIONAL COMMITMENT TO ERADICATE UNTOUCHABILITY" with a "NATIONAL CALL " with the following demands:

We demand that the country **recognises** the prevalence of Caste system and the continuing practice of untouchability in its various manifest forms, which denies the basic citizens rights to the 160 million Dalits of this country.

The state recognises that untouchability is the root cause by which Dalits are unable to reach the **MDGs** or **share equitably** from the health and education services of the state.

The country should **make amends** for the historical injustices and prohibitions perpetrated on Dalit communities and present day exclusion and discrimination evident in the inequalities in the social and economic status of the Dalit communities.

We demand:

That the Government should give a “**NATIONAL CALL TO ACTION TO ERADICATE UNTOUCHABILITY**’ with a time bound frame work for a concerted action of the State, political parties, Dalit communities, other Civil society organisations and Social Movements to **Eradicate Untouchability to ensure dignity** to the Dalits with the following steps.

- 1) **Massive campaign promoted by the state** in hoardings, print and electronic media against untouchability. The messages to include both moral values and legal aspects –untouchability is a blot on humanity, Untouchability costs society; untouchability is against the constitution; practice would be met with strict punishment.
- 2) **Strict implementation of the SC/ST Prevention of Atrocities Act 1989 and Rules 1995** so that
 - a) Cases reported by Dalits are registered without fail by the police and all legal provisions stipulated are scrupulously followed in taking the cases to court and rendering justice to victims and punishment to the perpetrators.
 - b) Duty Bearers should be punished as per this Act for their negligence in implementing this Act and these Rules.
 - c) Ensure that the Dalit Victims get Compensation as laid down in the SC/ST (POA) Rules 1995 as and when atrocities are committed against them and also to allocate adequate funds for distribution.
 - d) For the wilful negligence of implementing all these, the concerned Duty Bearers from the level of Chief Secretary to the District Magistrate/Collector and Superintendent of Police should be held liable, accountable and they should be punished for this gross violation of implementation.
- 3) **Develop guidelines** for functionaries in health, nutrition and education to address the implications of untouchability in their professional jobs to make schools, anganwadis and health care centres discrimination free zones. This also need to be extended to all government functionaries and functions.
- 4) **Discrimination at Public** drinking water points like the hand pumps, Village wells and ponds and denial of access to all **Common Property Resources**, like grazing grounds, village forests, public roads, burial grounds must also be declared as a serious offence and those who prevent Dalits should be booked and punished under this Act.
- 5) The prohibition of **Manual Scavenging and construction of Dry Latrines Act 1993** should be strictly implemented and all those who are still forced to serve as Manual Scavengers should be released immediately from this inhuman work and suitably compensated with alternate employment and sources of livelihood.
- 6) The **Scheduled Castes Sub Plan (SCSP)** is implemented in letter and spirit by every department in proportion to the population of SC members and the schemes

are implemented in full, with a view to not only provide short term benefits to members but will enhance their asset holding and improving the institutional base of the community.

- 7) Set up a **National Equity Council under the Convenorship of the Prime Minister** to monitor and ensure the goals of justice, equity and inclusion of Dalits and other marginalised are achieved and they enjoy the fruits of growth in par with other communities in India.
- 8) Set up an **“Equal Opportunities Commission”** and also to enact a separate and comprehensive **“Anti-discrimination legislation”** to address the issue of Untouchability, Atrocity and all other related forms of Social and Economic exclusions, discriminations and prohibitions.
- 9) **Institute awards for Panchayats** where Dalits or Tribals or Minorities affirm that the Panchayat is non discriminatory, provides them equal opportunities, do not face discrimination and harassment on the basis of their identity.
- 10) **Develop a data bank** where disaggregated data is available on all aspects so that Dalits and other sections to monitor equitable access to development through the RTI Act.

We enclose the Jury Kit and the Preliminary Findings of the Jury of the “IPT on Untouchability” for your immediate attention.

We look forward to the immediate action of the Government to address this inhuman issue and to render Justice, Equality and Dignity to the Dalits of this Country.

Sincerely Yours,

(J. Vincent Manoharan)
General Secretary - NCDHR

(On behalf of Jury, Victims / Survivors and the various Dalit organisations of the IPT.)