

## Untouchability Practices and Denial of Economic, Social and Cultural Rights to Dalits in Andhra Pradesh 2002

*by SAKSHI Human Rights Watch – Andhra Pradesh & National Campaign on Dalit Human Rights, 2003*

The majority of Andhra Pradesh Dalits lie outside mainstream socio-economic processes, many subsisting below the official poverty line, as compared to their non-Dalit counterparts. Moreover, they are subjected to widespread caste discrimination and untouchability practices that limit their economic base and mobility, the consequence of which is that they are disadvantaged in accessing opportunities for socio-economic development. That is, for Dalits, caste-ascribed occupations have traditionally dictated and circumscribed the access of caste groups to work rights, opportunities and economic mobility. This has changed over time, though to varying degrees depending on caste status. The majority of the dominant castes have been able to shift occupations in the process of development, moving from rural to urban employment, and moving into new areas of employment, such as information-communications technology or shrimp farming or into the formal, industrial sector. And in the rural agricultural and non-agricultural sector, most dominant castes have retained ownership over the years to these livelihood activities, aided by their control to a large extent of resources such as land, water and access to credit and land markets. By contrast, for the Dalits occupational mobility remains severely curtailed, even today. This is due to several reasons: (i) the lack of ownership of production processes, the majority of Dalits being ascribed and hence involved in menial or manual work for others; (ii) the lack of access to occupational mobility, due to their 'impure' status; (iii) the lack of access to and control over resources; and (iv) the lack of skills, given that most Dalits have been ascribed menial, so-called dirty and unskilled occupations which do not yield the required skills to compete in a market-driven, human capital-intensive economy.

Therefore, their caste-ascribed occupations in so-called unskilled, low status labour occupations and the continuing prevalence of caste discrimination and a plethora of untouchability practices, hindering their access and control over resources and work activities, means that Dalits cannot equally compete with the dominant castes in securing their right to livelihood. These new processes expose Dalits to new forms of vulnerability by denying or limiting their rights to work and a work (Arts. 6 & 7 ICESCR), capital and social services such as education (Art. 13 ICESCR), health services (Art. 12 ICESCR), housing (Art. 11 ICESCR) under affirmative action policies. Meanwhile, the government and its officials collude in this process by not tackling widespread untouchability practices that deny Dalits their socio-economic and cultural rights in a systematic and systemic manner. As Ambedkar himself mentioned, the caste system is essentially a system of unmitigated and widespread economic exploitation of Dalits. Untouchability practices utilise concepts of purity and pollution to perpetuate economically exploitative arrangements and to suppress the socio-cultural rights of Dalits and their right to live with human dignity, contravening the ICESCR.

### Percentage of 50 Sample Villages with "Unclean" Occupations

Unclean occupation	% of villages where traditional occupation present
Drum beating	96.0
Tanning	72.0
Chappal making	70.0
Removal of Carcasses	94.0
Digging graves	88.0
Cremation	90.0
Couriers	84.0
Jogini/Devadasi/Mathangi	18.0

Scavenging	12.0
Cleaning drainage canals	46.0
Animal sacrifice	72.0
Collection of wood for cremation	88.0
Chatimpu	98.0
Gavu pattadam	12.0
Cleaning village at the times of festivals	34.0

Source: People's Report on Untouchability Practices, ActionAid and SAKSHI, 2002

Constitutional guarantees and the enactment of several laws by the Indian Government have set the ground for enjoyment by Dalits of their economic, social and cultural rights. Untouchability has been formally abolished and enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law, as per *Art. 17 Indian Constitution*. Discrimination by the State on the basis of caste has been prohibited (*Art. 15 (1) Indian Constitution*), particularly in terms of subjecting any Dalit to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels and places of public entertainment; or the use of wells, tanks, bathing ghats, roads and places of public resort maintain wholly or partly out of State funds or dedicated to the use of general public (*Art. 15 (2) Indian Constitution*).

Moreover there shall be equality of opportunity in public employment (*Art. 16 Indian Constitution*), and protection of Dalits' right to practise any profession or to carry on any occupation, trade or business (*Art. 19 (f) Indian Constitution*). Child labour in hazardous employment is prohibited (*Art. 24 Indian Constitution*), as is bonded or forced labour (*Art. 23 Indian Constitution*), two areas which are heavily dominated by Dalits.

*The Protection of Civil Rights Act 1956* further specifies varying forms of social, religious, cultural and economic disabilities that arise out of untouchability forms and which constitute offences. Both words inciting untouchability practices as well as actions arising from untouchability practices are legal offences.

And yet, untouchability practices openly prevail across the country, and across Andhra Pradesh, denying Dalits on a daily basis their constitutional and legislated rights, and moreover contravening the *ICESCR* provisions. The following acts of commission and omission by the Indian Government, and the Andhra Pradesh government from the data and cases set out below, show that international human rights standards are being openly flouted and Dalits denied basic rights:

1. Active denial of economic, social and cultural rights to particular individuals/ groups through enforced discrimination;
2. Active support for third parties' (dominant castes) measures that violate economic, social and cultural rights;
3. Failure to enforce legislation/ put into effect policies to implement *ICESCR*;
4. Failure to regulate activities of individuals/ groups that violate economic, social and cultural rights;
5. Failure to utilise maximum resources available resources to secure economic, social and cultural rights; and
6. Failure to promptly remove obstacles which under duty to remove, to permit immediate fulfilment of economic, social and cultural rights.

## II. Profile of Dalits in India<sup>1</sup>

1. **Poverty:** People below the poverty line among SCs<sup>2</sup> (49.48% urban areas and 48.11% in rural areas) is much higher than that of the average Indian population (37.27% in urban areas and 32.36% in rural areas).<sup>3</sup>

2. **Income:** The income levels disaggregated by social group suggest that both the total household and the per capita incomes levels are least for the SC followed by the ST (when compared with the national averages). SCs have a total household income of Rs. 17,465, a mere 68% of the national average, and a per capita income of Rs. 3,237, 72% of the national average<sup>4</sup>.

3. **Wage economy:** The share of income derived from wage labour (both agriculture and non-agriculture) is highest among SCs (at about 33% followed by approximately 20% among STs)<sup>5</sup>.

4. **Land ownership:** STs reported a higher level land ownership (69%) with an average holding of 4.3 acres compared with SCs who owned the least land among the groups surveyed (only 47%), reporting an average holding of only 2.8 acres. The land ownership pattern seems to confirm the historical and domiciliary or residential patterns that affect specific caste groups in India<sup>6</sup>.

5. **Housing:** The village development index is also associated with the percentage of *kutch* houses (low cost house often made from a mixture of mud and tin). Over 70% of landless labourers live in *Kutch* houses, as do a majority of both SCs and STs (74% and 67% respectively)<sup>7</sup>.

6. **Amenities:** STs and SCs are considerably more disadvantaged when compared with all other social groups in regards to ownership of and accessibility to amenities such as an electricity connection, piped water, and toilets.

7. **Dependency ratio and poverty:** The dependency ratios are very low among landless wage earners, STs and SCs. The decline in dependency may be attributed to the higher participation of females from these groups in employment and income-earning activities. This apparent paradox supports the hypothesis that many among the marginal groups are at the risk of economic stress resulting in a higher level participation in the workforce as a coping mechanism. The evidence also suggests that low economic dependency among the low income and vulnerable population groups is the result of poverty.<sup>8</sup>

8. **Participation in wage earning activities:** is higher among SCs and STs (58% and 55% respectively)<sup>9</sup>. The SCs are mainly landless (69.6%) with little control over resources such as land, forest, and water. There has been a marked rise in the number of agricultural labourers (49.1%), casual labourers (72%), industrial labourers (17.3%), plantation labour (6.1%), and fishing labour (92.5%).<sup>10</sup>

9. **Child labour:** Child labour exists in 58.7% of the SC communities.<sup>11</sup>

10. **Social groups and literacy:** STs and SCs recorded a literacy level of about 40% in comparison to the national Indian average of 54%<sup>12</sup>. Gender disparity in terms of literacy is high among both SCs and STs<sup>13</sup>. The school drop-out rates are substantially higher among the lower income groups, landless wage earners, females, STs and SCs<sup>14</sup>. STs and SCs have lower

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<sup>1</sup> Taken from NCDHR written statement submitted to UN CERD Committee, *India's Dalits: A Case of Discrimination by Descent*, 2002.

<sup>2</sup> SCs and STs indicate Scheduled Castes and Scheduled Tribes respectively.

<sup>3</sup> National SC/ST Commission Report, 1996-97 and 1997-98, p. 82.

<sup>4</sup> India- Human Development Report, National Center for Applied Economic Research, p. 30.

<sup>5</sup> *Ibid*, p. 35.

<sup>6</sup> *Ibid*, p. 51.

<sup>7</sup> *Ibid*, p. 54.

<sup>8</sup> *Ibid*, p. 72.

<sup>9</sup> *Ibid*, p. 77.

<sup>10</sup> K.S. Singh, The Scheduled Castes, p. 8.

<sup>11</sup> *Ibid*, p. 8.

<sup>12</sup> India Human Development Report, p. 101.

<sup>13</sup> *Ibid*, p. 103.

<sup>14</sup> *Ibid*, p. 113.

levels of literacy, especially at the level of matriculation and above; for example, only about 5% of girls among these communities complete matriculation.<sup>15</sup>

11. **Undernourishment and infant mortality:** 57.5% SC children under the age of 4 were undernourished in 1992 while the infant mortality rate among SCs was 91 per 1000 live births.<sup>16</sup>

### III. Untouchability Practices and Denial of SEC Rights: Case of Andhra Pradesh

From a 2001 survey across 3,328 villages across the three regions of the state of Andhra Pradesh – Rayalaseema, Telangana and Coastal Andhra - in South India, conducted by Sakshi Human Rights Watch – Andhra Pradesh, the following forms of untouchability practices, contravening the ICESCR, were observed:

#### Forms of Discrimination violating Right to Work and decent conditions at work – Arts. 6 & 7 ICESCR

Any untouchability form that affects livelihood and limits access and discriminates in various markets (land, labour (wage labour or forced labour), product and credit markets) denies Dalits their economic rights. The forms found in the survey were Prohibit to Draw Water from wells; Prohibit to Draw Water from tanks and streams; Prohibit to Draw Water from bore-wells; Forced services – drum beating at death funeral; excavation; cremation; carcass; Manual Scavenging; Denial – haircutting services, laundry services, carpentry services; Denial – irrigation water; Discrimination in wages.

Forms	No. of Villages in which Practice Prevails	Percentage (N=3328)
Denial - irrigation water	620	18.63
Discrimination in wages	924	27.76
Manual Scavenging	391	11.75
Forced services - removal of carcass	2464	74.04
Forced services – drum beating at death funeral	2163	64.99
Forced services –excavation	2163	64.99
Forced services – cremation	1955	58.74

Source: Untouchability Survey, Sakshi Human Rights Watch – Andhra Pradesh, 2001.

#### Economic Rights Violations – case studies

- **CASE 1:** *A Dalit who lost job due to discrimination in delivering letter to Dalits. Pathapalem is a village in Chittoor District, which comes under SR Puram post. But the postman who is happened to be a non-dalits never visits Dalit wada and used to deliver letter if he finds any one of Dalits. Ravi, resident of Madiga colony expected a call letter for a government job, which he applied, but after six months of the interview date one of his fellow Dalit found the letter at roadside.*
- **CASE 2:** *Dalits are Bonded Labourers for Generations together: Case of a family of three generations*  
*Chinna Gangaram is the third son of Budda Sayulu and Denial fo Sec Musalabbayi. Budda Sayulu and Musalabbyi have two more elder sons, Pedda Gangaram and Nadipi Gangaram. Chinna Gangaram's father and grand father were also bonded labor in the upper caste houses. Gangaram's two sons and his two brothers and their children are continuing as bonded labor bonded labors and died as bonded labors leaving indebtedness to Gangaram.*

<sup>15</sup> Ibid, p. 115.

<sup>16</sup> UNDP Country Report 1997, p. 11 nad 55.

As far as Gangaram, he has made his two sons as bonded labor in the houses of upper castes. Now Gangaram's elder son Abbaiah, aged 12 years, is working for Rs. 4,000/- a year and second son Raju, aged 10 years, is working for Rs. 2,500/- a year.

When Chinna Gangaram was 10 years old, father sent him to cattle herding in the houses of upper castes for Rs. 50/- per year who has to do all the works told by the employer. Gangaram continued bonded labor till he reached 25 years of age. His wages were increased to Rs. 2,500 per year. Then he was married to Gangamma. The expenses of marriage and setting up a new home Rs. 20,000 fell on the shoulders of Gangaram. By the time Gangaram cleared his debt with 2 per cent monthly interest he had three sons.

When his first son was 10 years old, Gangaram was seriously ill and could not continue as bonded labor. But the upper caste man pressurized Gangaram to settle the debt. Gangaram borrowed Rs. 10,000/- from a Gandla person and put his first son in their house to look after cattle. Gangaram remained at home and his wife had to go for daily wages and run the family. To get treatment for his sickness Gangaram again borrowed Rs. 10,000/- from a weaver.

Within two years Gangaram's wife became bedridden with uterus problem. This happened during the birth of their fourth daughter, the infant died because mother was sick and could not feed the baby properly. The mother survived after her uterus was surgically removed in a private hospital at Nizambad. But Gangaram had to send his 10 years old second son as bonded labor to Gowdas house to meet the hospital expenses.

The Gowda from whom Gangaram borrowed pressurized him to settle the debt. Three months ago Gangaram again borrowed Rs. 10,000 from Kuruba Yadaiah and settled the debt of Gowda and his son is working as bonded labor in Yadaiah's house.

Gangaram is desperate to clear the debts and relive his sons from the bonded labor. But there is nothing at home for them to eat. The total debt is about Rs. 20,000 more than the yearly wage of Gangaram Rs. 11,000 and his two sons' wages Rs. 4,000 and Rs. 2,500. The total debts were used for treatment of Gangaram and his wife. Nothing was for any investment hence there is a shortage of food at home always. The employer provides only meal in the afternoon and Gangaram and his sons had to eat at home in the mornings and nights and there is nothing at home. Recently, Gangaram begged his employer Yadaiah to lend him Rs. 2000/- But Yadaiah refused as Gangaram is weak and is not in a position to do hard work and will not be able to repay his loan.

Yadaiah approached Dalit colony leaders for settlement of his loan, as Gangaram is not going to work. As Gangaram is not in a position to work and has nothing to eat at home, it was decided that Gangaram's two children should work as bonded labor and settle the debt by 10-11-2001. Thus Gangaram inherited indebtedness and bonded labor from his parents, he continued in indebtedness and bonded labor and passed on indebtedness and bonded labor to his sons.

- **CASE 3:** In Nizampatnam (Guntur district) harbor, 350 machinised boats go to sea for fishing everyday. All the boats are owned by Agni kula kshatriyas (pallekarlu / fishermen). 2,100 men used to work on these boats. Similarly, nearly 2,600 families are living on fishing / prawn sector. From 1999, Dalits were boycotted from the harbor when Dalits prevented an agnikula kshatriya youth who came to Dalit colony and tried to rape a Dalit woman. Because the boats, fishing and prawn cultivation was owned / controlled by agnikula kshatriyas, Dalits were boycotted from the harbor. 270 Dalit families lost their livelihood and forced to look out for alternative work, most of them had to migrate.
- **CASE 4:** The normal lease for an acre in Bodapadu village is Rs. 10,000/- per year. But the money has to be paid in advance by the tenant. But there is a difference between Dalit tenants and others. When Kamma dominant castes lease out their land they don't take advance from Kamma tenant but insist on advance from Dalits. So Dalits borrow money and take land on lease for agriculture. Moparthy Danaiah (Daniel) and father Isaac have been

taking land on lease for agriculture from Yedlapati Rangaiah. They also work for Rangaiah. Even though they work for Rangaiah there is no consideration or concession with regard to lease.

### Forms of Discrimination violating Social Rights – right to dignity and non-discrimination (Arts. 2(2) & 11 ICESCR)

Foms	Practice Prevails (No. of Villages)	Percentage (N=3328)
Abuse by Caste Name	1811	54.42
Segregation of Drinking Vessels	1335	40.11
Pouring drinking water into the hands	1447	43.48
Prohibit entry into houses of dominant castes	2529	75.99
Prohibit entry into houses of backward castes	1815	54.54
Prohibit entry to higher class in Cinema theatres	202	6.07
Prohibit sitting in other public places	678	20.37
Standing up in respect before dominant castes	1819	54.66
Giving up seats to dominant castes in buses/ sit in the back seats	326	9.80
Prohibit to walk with sandals in dominant castes localities	144	4.33
Prohibit to wear good/clean clothes	219	6.58
Prohibit to walk with umbrella in dominant castes localities	178	5.35
Prohibit to Draw Water from wells	1359	40.84
Prohibit to Draw Water from tanks and streams	393	11.81
Prohibit to Draw Water from bore-wells	1038	31.19
Denial - haircutting services	1709	51.35
Denial - laundry services	2003	60.19
Denial - carpentry services	1034	31.07
Denial – other services	780	23.44

Source: Untouchability Survey, Sakshi Human Rights Watch – Andhra Pradesh, 2001.

### Social Rights Violations – case studies

- **CASE 1:** In 1999 Dalits were beaten up for sitting on platform in the bus stop in Peddaramabhadrapuram village. The other caste person Thathabbai and three other came to bus stop and saw three Dalit youth Aggiramudu, Santhipette Achyya Rao and Appanna sitting on a platform and waiting for bus. The other caste persons shouted at the three Dalit youth and started abusing in filthy language on caste. When the Dalits were objected to their language, they were severely beaten up and chased by the kapus. When the Dalits got together and filed a case, the police colluded with other caste people by not registering case under SC/ST PoA Act and also they have forced the Dalit to compromise.
- **CASE 2:** In Venkatapuram village of Karim Nagar district, when the upper caste hotel owner denied serving tea, Dalits boycotted working for the upper caste landlords. When the agriculture season came, upper caste landlords negotiated with Dalits and made the hotel owner serve tea to Dalits.
- **CASE 3:** In Nizampatnam of Guntur District, Nagaiah Naidu, an upper caste person invited the Dalits for his son's wedding. At the dining place, the Kammas caste people from the adjacent village, Gokarna Matam, the Brides place, refused to sit along with the Dalits for dining and asked the host to arrange separate place for Dalits. But the Dalits told Nagaiah that they would not sit separately and otherwise they would leave the wedding. Nagaiah Naidu tried to convince the upper caste people but some of them left the wedding. But the Kammas of Kokrana Matam started petty quarrels with Dalits of Nizampatnam when ever they go fair price shop at Gokarna Matam. Once the Kammas started quarrelling with Dalits,

*all the Dalits went to MRO office and got the fair price shop shifted to Dalit colony, which is being run by a Dalit now.*

### Forms of Discrimination violating Right to Education – Art. 13 ICESCR

Forms	Practice Prevails (No. of Villages)	Percentage (N=3328)
Discrimination in Schools – abusing by caste name	658	19.77
Discrimination in Schools – segregation in seating	207	6.22
Discrimination in Schools – segregation of drinking water	194	5.83
Discrimination in Schools – untouchability by teacher	180	5.41

Source: Untouchability Survey, Sakshi Human Rights Watch – Andhra Pradesh, 2001.

The results of these untouchability practices, combined with caste discrimination within education system can be observed from the enrolment and dropout rates of SC Students in Engineering Colleges in Andhra Pradesh.

College	No. of students Joined	No. of students Promoted to final year	No. of dropouts	% Dropouts
Govt. Engineering College (Osmania College)	75	69	6	0.08
Private Engineering Colleges (Vasavi Engineering College, CBIT)	120	94	26	21.7

Source: Survey of Professional Colleges, Bhavitha, 2002.

### Education Rights Violations – case studies

- CASE 1:** Gangaram Ravi, 15 years old, s/o. Gangaram Laxmi and Narsimham of Tummaluru village in Rangareddy District died on 24 July 2002 in Osmania hospital. He was the second son out of three children, studying in 9th standard at Tummalur Z.P. High School. On 22 July 2002 an incident occurred at school, which lead him to take the extreme step of suicide. That day, Ravi's teacher, Mr. Doma Jangaiah (30) gave him some homework to do. Ravi's co-student, About the homework Ravi's co-student, Srikanth Reddy commented sarcastically to another student, Devender Goud, questioning whether "goud barre (buffalo) can do homework." Due to some distance between them in classroom, Ravi passed the same comment on to Devender Goud. Devender Goud then quarreled with Ravi, believing that Ravi himself had made this comment, aided by Srikanth Reddy's lies to this effect. On this issue all of three students argued and quarreled with each other, before eventually approaching the teacher, Jamngaiah. However, Ravi was then beaten and insulted by the teacher. Thereafter, he was taken to Headmaster N. Krishnaiah, and beaten up by the Headmaster. His pleadings that he was innocent were not accepted, and unable to bear the humiliation, Ravi requested the teachers to issue him a TC so that he could leave that school and join another school.

*That evening as he reached home, his elder brother, Kumar also met Jangaiah, the teacher, who made a complaint against Ravi's attitude of demanding a TC. Kumar went home and enquired about the issue. Ravi was so mentally upset about the issue that had taken place in the school, which had lead him to severe depression, that he poured kerosene over himself and set fire to himself. Sustaining severe burn injuries, Ravi was taken from Tummaluru to Osmania hospital for treatment, but died on 24 July 2002. An independent fact-finding team from SAKSHI Human Rights Watch - Andhra Pradesh, was able to ascertain from Ravi's family that Ravi has been repeatedly subjected to insults and humiliation by his dominant caste co-students and teachers. He had also been fined for not wearing his chappals, for not combing and not dressing adequately. Sometimes he was asked to sit separately in the classroom on allegations that he had exema and infectious wounds.*

The people responsible for this death have not been arrested; instead the village elders and dominant caste people gathered together and attempted to wind up the issue without any action against the dominant castes. Further, the teachers organised a meeting of dominant caste students and their parents, wherein they expressed their opinion that teachers did not have adequate security to confront this issue, being dependent on co-operation from the dominant castes to conduct classes for their children. Therefore, parents and students decided to support the teachers in any circumstances. On 7 August 2002 students as a group and parents as another group decided to take out a rally and decided to wind up the case with demands for the protection of the teachers.

At this juncture, on 25 July 2002, after receiving the complaint, the police case was registered in a FIR with Crime No. 29/02 under sec. 174 Cr.P.C., which was later altered to sec. 306 IPC. However, so far no one has been arrested. ASI B.Venkat Reddy has expressed his inability to arrest the culprits because of threats from the dominant castes. The teachers who were responsible for the constant humiliation leading Ravi to commit suicide have not been held accountable for their actions, while the police have not registered the case under the SC/ST (Prevention of Atrocities) Act 1989 and Ravi's parents have not been paid any compensation for this crime against their son.

### Forms of Discrimination violating Right to cultural Life – Art. 15 ICESCR

Cultural discrimination includes restrictions on the observation of cultural practices and religious traditions. Prohibit to sit before temples; Segregation of seats in festival/ jataras; Denial of temple entry; Segregation of seating in Church; Prohibit entry of marriage processions; Collection of wedding mangal suthra(thali) and Prohibit to funeral procession.

Forms	Practice Prevails (No. of Villages)	Percentage (N=3328)
Prohibit to sit before temples	2103	63.19
Segregation of seats in festival/ jataras	982	29.51
Segregation in feasts by serving at the end	2620	78.73
Segregation in feasts by serving on their own plates	1573	47.27
Segregation in feasts – told to wash their own plates	2432	73.08
Denial of temple entry	2193	65.90
Prohibit entry of marriage processions	502	15.08
Collection of wedding mangal suthra(thali)	988	29.69
Prohibit to funeral procession	671	20.16

Source: Untouchability Survey, Sakshi Human Rights Watch – Andhra Pradesh, 2001.

### Cultural Rights Violations – case studies

- **CASE 1:** Once in every year, Veerabhadraswamy idol will be taken around the main village except to Dalit colony but they have to beat the drums and clean the streets. Dalit have to stand outside the temple gate and wait till the prasadam (food offering) distributed which is usually thrown into their hands. Even during five-day festival, which is the main festival of the village celebrated once in eight years, Dalits have to make offerings through non-dalits. Even Narasamma (goddess of rain) temple which is located at outskirts of the village Dalit have wait till dominant caste people make their offering (soup made of jaggery), even though they come before. There is a belief that if Dalits enter the temple they will vomit blood and die.
- **CASE 2:** Dalit boycotted from common feast in Pathapalem, S.R. Puram mandal of Chittoor District: Dalits were invited for the feast organized for death ceremony of Venkatapathi Naidu. Dalits didn't attend the feast. Only Devaiah went to the feast because he had regard and affection for Venkatapathi Naidu. Devaiah did all the preparatory work for organising the feast and sat with others in the feast. But the upper caste people, relatives of Venkatapathi Naidu, told him that he should not eat with him and if he eats with them their

*relatives will not eat there. They made him to get out of the feast. Devaiah had to walk out with shame and insult.*

As can be seen, although the *Indian Constitution* officially outlaws caste discrimination (untouchability), the practice of caste discrimination continues to operate in many parts of India even after five decades of independence. The illegal abuse is the everyday experience of Dalits who endure discrimination, violence, insults and humiliation. In countless villages, Dalit communities are continued to be denied access to drinking water, segregation of drinking vessels in public restaurants, entering village temples, forcing Dalits to render the services like excavation, cremation, removal of carcass, manual scavenging, preventing them to exercise their voting rights, segregation of seating in village panchayats (local governing bodies).

### **Right to Adequate Standard of Living – Art. 11 ICESCR**

- **CASE 1:** *In Veerapuram village of Karim Nagar, Lakshmi and Sri Lakshmi Groups, two upper caste women SHGS were given matching grant and gas connections by the government. Where as Mounika and Rajeswari Groups of Dalit women were not given any government support even though all the four groups started in the same period.*
- **CASE 2:** *In 1980, MRO, District Employment Officer, District Social Welfare Officer in Chittoor got together and appointed a upper caste candidate as cook in SC hostel. In fact, the call letter was sent to Subramanya, a Dalit, of Pathapalem village of SR Puram mandal in Chittoor district. The Employment officer took from Subramanya's signature on blank paper and concocted a letter, which says that Subramanya doesn't want the job. The police arrested Subramanya when he questioned the Employment Officer for justice. Subramanya who stood always in the 1<sup>st</sup> rank in his studies is working as a daily wageworker.*
- **CASE 3:** *Sakali Rajarathnam's forefathers used to live in huts on the eastern side of the Sarangapur in plot No. 146. In 1980, Konduri Muthyam Rao (dominant caste) cut down the accasia trees claiming that he bought the land. Panchayat people and MRO and other revenue officials didn't raise any objection that time. After few days, Muthyam Rao brought police to the spot and removed the huts of Rajarathnam and other Dalits. When the matter was taken to the notice of MRO, they came and allotted the land to the Dalits. But Muthyam Rao came and told them that the land belongs to him and the court gave a judgement confirming his claim and questioned the MRO's decisions.*  
*He removed the huts of Rajarathnam and other Dalits a second time and filed a case against Rajarathnam. After the trial, Rajarathnam was arrested. Dalits, were not able to prove that they are not living in the disputed plot. Rajarathnam was convicted and he was imprisoned for two months. Rajarathnam lost his job in sugar factory when he was in prison. His wife and five children became shelterless. They didn't had anything to eat nor a place to stay. Rajarathnam lost about Rs. 2,00,000 because of the case. He again reported the matter to the officials through Enadu news paper on 4th October, 2001. But Muthyam Rao sold the land for Rs. 1,00,000/- in the meanwhile. Now they are living in plot No. 135 which is also a vacant land. This also not yet registered for Dalits.*
- **CASE 4:** *The upper caste people, Mopidevi Marnemaiah, Vaddi Sankar Rao, Peethala Narasaiah belonging to agni kula kshatriya and some kmmas occupied 30 acres dalits lands Dalits were threatened with dire consequences if they enter the lands. neighboring districts in search of work. When some dalits protested they were assaulted. The police instead of registering the complaint of dalits and taking action on agni kula kshatriyas, advised the dalits not to fight. The police convinced dalits that they can not cultivate the lands which are now in the possession of agni kula kshatriyas as they are powerful. The police mediated the deal and fixed the price for the land. Dalits were coerced to part with the lands. Dalits got Rs. 800 per acre from the agni kula kshatriyas. The police took*

*Rs. 200/- as commission for each acre from the dalits for finalizing the deal. The total 130 acres of land was encroached by the upper caste people under the protection of police.*

### **SEC Rights violations against Dalit Women**

Dalit women are also denied basic human dignity in countless petty ways. Caste custom dictates that they cannot wear nice clothes or jewelry and that they must take off their sandals in the caste Hindu locality. In this respect the life of a Dalit woman is highly differentiated from other Indian women. Though other women may be exploited economically or experience patriarchal controls, the existence of untouchability places Dalit women in a class of their own. Moreover, certain untouchability practices affect Dalit women more than men. For example, Dalit women are the main people who collect water for the household, who collect firewood, who look after the house as well as work in the fields. They will always receive lesser wages than the already poor wages of their Dalit male counterparts. In all, *Art. 3 ICESCR* is openly flouted, with discrimination between men and women in achievement of SEC rights ensuring that Dalit women have lesser opportunities for securing these rights.

- **CASE 1:** *Premalatha, an educated modest Dalit woman in mid thirties apparently looks older in appearance clad in shaded rustic saree is assertive and vocal with proverbial references in expressing her personal and compatriots humiliation to the frontline researchers of her own community. She is presently working, as an Anganwadi teacher but discerns no significant difference in the treatment towards her. She aggressively states that “despite me being a graduate I have had to encompass the trauma of caste based discrimination. In her words chinta chacchina pulupu chavadu (tamarind may die but doesn't lose its sourness), means caste is so deeply percolated across the cross section of Indian society.*

*Her father, Madduleti, a messenger (Thalari) at village administrative office hence she was popularly recognized as a daughter of Madiga thalari rather than the daughter of Madduleti. He also owned 10 acres of land. Her experience at school too was no less embarrassing, succumbed to humiliation many a times in the hands of non-dalit teachers as well as students as they abused her by very caste name. Incidentally she cites her nightmarish experience that when she was pursuing fourth standard as she accompanied her dominant caste friend's house, was sent out in an unceremonious manner. She says that her mother who managed to get through her seventh standard championed the cause of her education, a primary source in extending the requisite guidance and impetus to pursue education until tenth standard despite her fathers reluctance. Compelled to get married at a tender age when she was pursuing her tenth standard dampened her desire to pursue her education.. But she was determined to complete her education despite her in-laws resistance by working as daily wage labourer to meet her travel and other expenses. Incidentally when she was selected for the post of a bus conductor in AP Road Transport Corporation, could not take up the job owing to resistance from in-laws.*

*She dreamt about having a discrimination free society. But to her disappointment even her next generation is meeting the same fate. Her daughter a plus one student visited her classmate's house accompanied by her Dalit classmate to take physics text book from a non-Dalit friend. As she was feeling thirsty non-Dalit friend offered some water in a tumbler. Her friend's mother incidentally not at home enters and finds her drinking water in their tumbler, enraged by the very sight picks up the tumbler and throws out in a hysterical manner, resorting to verbal onslaught taking their very caste name.*

*To a reply to continue her literary interests and make foray into literary world as a writer. She proverbially says massigudda lo chuttina manikyaniki viluva emunndi (sapphire clad in cinder cloth has no value). She vociferously laments that every Dalit experiences discrimination irrespective of their education and economic status. Such is the fate of the millions of people (Jaya 2002).*

- **CASE 2:** *Subbamma is a 65-year Dalit woman of Budidalavagu, Nellore District lamented her experience of caste discrimination. After marriage, Subbamma started to work in the*

household of her husband's master. She used to clean the cattle shed and agricultural works. Even though Subbamma worked for the household of upper castes they never allowed her inside their house. Subbamma recollects the kind of works her husband used to do for the upper castes and how he used to stand with bent back and folded hands. She reminisces that the not only upper caste men and also women used to misbehave with them at the work place and used to call them in abusive manner. She explains that even pregnant Dalit women were not supposed to do work slowly and were not allowed to feed their infants. On some occasions, Dalit women used to squeeze their breasts filled with milk on palm trees and recollected that one of her infant died in hunger while her master not allowed her feed.

- **CASE 3:** Ademma is a Dalit woman of Mekalavaripalle of Chittoor district. She asked wages for the work she did, the landlord abused her on caste name and insulted before her husband that how dare she was to ask wage. Ademma did not keep quite and resisted and questioned them and her husband went to the Tamballpalli police station and given complaint. Police came immediately and told the landlord to come to the police station. In the meanwhile, the Reddy caste people got together and the elder of the Reddy caste called the Dalit elders Marappa, Govindappa, Ramanappa and others for discussion. They came to Ademma and her husband and took her to Ramakrishna Reddy, the Reddy caste elder. Ramakrishna Reddy told them that you should respect the conventional rules of the village and have to remember your social position and should have to bring all the problem to village elders not to police station. Then the Dalit elder, Govindappa convinced Ademma and Rajanna that the matter will be settled in the village and requested them to take back the complaint from the police station. Later Lakshma Reddy paid the wages to Ademma.
- **CASE 4:** The Andhra Pradesh Government sanctioned a Anganwadi center for Thamballapalli village of Chittoor District. In the village Leelamma is only Dalit women studied up to 7<sup>th</sup> standard and applied for the anganwadi teacher's post. But the dominant castes thought that it will be insult that a Dalit woman sit in the chair in the village and they influenced the authorities to post a non-Dalit woman who studied only up to 5<sup>th</sup> standard.

#### **Recommendations:**

1. The CESCRC Committee must question and express its concern to the Indian government as regards its abysmal record of securing SEC rights for Dalit communities in India.
2. The CESCRC Committee should recommend the stringent implementation of policies and programmes aimed at SEC rights development for marginalised communities such as the Dalits on a time-bound basis, with regular reporting to the CESCRC Committee as to the process of implementation.
3. The CESCRC Committee should acknowledge the recommendations as regards SEC rights made by the CERD Committee in its 2002 General Recommendation XXIX on Discrimination on the Basis of Descent and press for their implementation by the Indian Government.