

**INDIA'S UNFINISHED AGENDA:
EQUALITY AND JUSTICE FOR 200 MILLION
VICTIMS OF THE CASTE SYSTEM**

HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN
RIGHTS AND INTERNATIONAL OPERATIONS

OF THE

COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

—————
OCTOBER 6, 2005
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Serial No. 109-102
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Printed for the use of the Committee on International Relations



Available via the World Wide Web: http://www.house.gov/international_relations

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U.S. GOVERNMENT PRINTING OFFICE

23-825PDF

WASHINGTON : 2006

For sale by the Superintendent of Documents, U.S. Government Printing Office
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INDIA'S UNFINISHED AGENDA: EQUALITY AND JUSTICE FOR 200 MILLION VICTIMS OF THE CASTE SYSTEM

THURSDAY, OCTOBER 6, 2005

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS
AND INTERNATIONAL OPERATIONS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2 o'clock p.m. in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (Chairman of the Subcommittee) presiding.

Mr. SMITH. Good afternoon. Today's hearing of the Subcommittee on Africa, Global Human Rights and International Operations will study the terrible situation facing India's Dalits and tribal peoples. Taken together, the Dalits and tribal peoples constitute as many as 250 million people. The Dalits, whose name means "the oppressed," are much better known as "untouchables," although this demeaning name is not the one they choose for themselves.

They are also often referred to in official documents as "Scheduled Castes," and occasionally as "Harijans" or "Children of God," a name given to them by Ghandi. The tribal peoples are often referred to as "Scheduled Tribes" or "Adivasis," which means indigenous or aboriginal inhabitants. The Dalits and tribal peoples are treated as virtual non-humans and suffer pervasive discrimination and violation of their human rights.

This topic has taken on special relevance. India's reformist government has made great strides to open its economy to improve the lot of all of its citizens. It has also played a leading role in the Community of Democracies, the UN's Democracy Caucus, and the UN Democracy Fund. In June and July of this year, the United States and India announced a series of agreements that represent a quantum leap in cooperation between the world's two most populous democracies after decades of estrangement during the Cold War. On July 18, United States and Indian leaders issued a joint statement resolving to establish a global partnership between the two nations through increased cooperation on a wide range of issues. We heartily welcome these actions.

However, there is still a long road to travel. Most observers have focused on the nuclear proliferation implications of our announced agreements as potential stumbling blocks to a true strategic partnership between the United States and India. But as we seek to develop a strategic partnership, we must not lose sight of India's

most serious human rights problems. These problems are amply documented in the three current State Department reports: The 2004 Human Rights Report on India, the 2005 Report on Trafficking in Persons, and the 2004 Report on Religious Freedom. All three are massive catalogs of human rights violations, which the Government of India condones, ignores, and in some instances, has even promoted.

To quote the 2004 Human Rights Report on India: "Security force officials who committed human rights abuses generally enjoyed de facto legal impunity . . ." and it goes on. Without objection, I would include that, as well as the Trafficking in Persons Report language in the record at this point.

[The information referred to follows:]

Passage from the 2004 Human Rights Report on India:

"Security force officials who committed human rights abuses generally enjoyed de facto legal impunity . . . violations included: torture and rape by police and other government agents; . . . harassment and arrest of human rights monitors; . . . forced prostitution; child prostitution and female infanticide; trafficking in women and children; . . . serious discrimination and violence against indigenous people and scheduled castes and tribes; widespread intercaste and communal violence; religiously motivated violence against Muslims and Christians; and widespread exploitation of indentured, bonded, and child labor."

Passage from the 2005 Report on Trafficking in Persons:

"India is a source, transit, and destination country for women, men, and children trafficked for the purposes of sexual and labor exploitation . . . Internal trafficking . . . for . . . sexual exploitation, domestic servitude, bonded labor, and indentured servitude is widespread. . . . the vast majority of females in the Indian commercial sex industry are currently victims of sexual servitude or were originally trafficked into the sex trade. India is also home to millions of victims of forced or bonded labor."

"The Government of India does not fully comply with the minimum standards for the elimination of trafficking."

Mr. SMITH. India was placed on Tier 2 Watch List for human trafficking for a second consecutive year in 2005. Many of us believe it should be a Tier 3 country, and as the prime sponsor of the legislation that established the Trafficking in Persons Act, the TPVA, in the year 2000, I have studied this very, very closely and I am not alone in the concern that there is an enormous amount of trafficking that goes on there. Tier 3 status is certainly warranted.

The State Department's 2004 Report on Religious Freedom also had many harsh words about India's respect for religious freedom. It noted that the Indian Government, despite India's constitutional commitment to religious freedom and secular government, was often lax in protecting religious minorities from attack and in punishing their persecutors. Religious extremists have taken such laxity as a signal that they can attack with impunity. Missionaries were often harassed, and the right to freely choose one's own religion was often violated.

Finally, there is the issue of abortion. In theory, India only allows abortions for risk to the life of the mother, or grave risks to her health, or for substantial risk of fetal impairment. Yet, like so many countries where the right to life of an unborn child has been disregarded in a misguided attempt to provide a so-called limited abortion license, the reality is that there is abortion on demand in India. Estimates of abortions run as high as 7 million a year. There

are some estimates that 17 percent of maternal deaths are due to abortion. So much for “safe, legal and rare.”

And abortion is not just at the demand of the mother, but often at the demand of relatives who don't want girl babies. The incidence of sex-selection abortions has reached staggering proportions. As many as 50 million girls and women are missing from India's population as a result of infanticide and abortion. In most countries in the world, there are approximately 105 female births for every 100 males. In India, there are less than 93 women for every 100 men in the population. In one wealthier area of the capital of New Delhi, the sex ratio at birth has dropped to 760 girls for every 1,000 boys, one of the lowest in the entire country and one of the lowest in the world. The problem is getting worse as scientific methods of detecting the sex of a baby in performing abortions are improving. These methods are becoming increasingly available even in rural areas.

India banned sex-selection abortions in 1996, but the health minister recently admitted that not a single person has ever been convicted or otherwise punished for having carried out sex selective abortions. UNICEF has warned that unless steps are taken to address the problem, India will soon face severe social problems, not the least of which is increased trafficking of women, which is already an enormous problem. As more and more girls are aborted or murdered after birth, more and more poor women and girls will be trafficked.

All of this background will provide the context for today's hearing. India's Dalits and tribal peoples are victims of all human rights violations prevalent in India, and to a far greater extent than most other Indians.

According to India's caste system, Dalits are impure, and even their shadow can pollute. Dalits are discriminated against, denied access to land, and forced to work in degrading conditions. Dalit men, women, and children numbering in the tens of millions work as agricultural laborers for a few pounds of rice or less than a dollar a day. Their upper-caste employers frequently use caste as a cover for exploitative economic arrangements. In India's own version of apartheid, entire villages in many Indian states remain completely segregated by caste. Dalits dare not even walk in the part of the village occupied by higher-castes. They may not use the same wells, visit the same temples, drink from the same cups in tea stalls, or lay claim to land that is legally theirs. Dalit children are frequently made to sit in the back of classrooms.

Most Dalits continue to live in extreme poverty, without land or opportunities for better employment or education. India has a policy of quotas in education and government jobs to benefit Dalits and tribal peoples, but most cannot afford primary education, so their literacy rates remain very low, and only a small minority can benefit from these quotas.

Dalits are routinely abused at the hands of the police and of higher-caste groups that enjoy the state's protection. According to India's National Crime Records Bureau, in 2000, the last year for which figures are available, 25,455 crimes were committed against Dalits. Every hour, two Dalits were assaulted. Every day, three Dalit women were raped, two Dalits were murdered, and two Dalit

homes were torched. Most experts believe that these numbers are grossly underreported, as Dalits are afraid to report crimes to police, because when they do, police often refuse to register or to investigate their complaints.

In 2001, Amnesty International estimated that only about 5 percent of sexual assaults were registered and that police officers dismissed at least 30 percent of rape complaints as false.

Approximately 80 percent of the tribal population live below the poverty level: 80 percent. Despite constitutional safeguards, the rights of indigenous groups in the eastern parts of the country are often ignored. In recent years, crimes against the tribes have risen. Indigenous people suffer discrimination and harassment, are deprived of their land, and are subjected to torture and to arbitrary arrest. Mob violence, lynching, arson and police atrocities against tribal persons occur in many states.

Dalits and tribal peoples suffer horribly from human trafficking. Dalit girls have been forced to become temple prostitutes or “servants of god,” a practice where they are married to a deity or temple, where they are then forced to have sex with upper-caste men and eventually sold into prostitution. In 2001, more than 40,000 tribal women were forced into situations of economic and sexual exploitation. An estimated 40 million people, most of them Dalits, are bonded workers, many working to pay off debts that were incurred generations ago, according to a 1999 report by Human Rights Watch. These people work under slave-like conditions for less than \$1 a day. Fifteen million are children, and according to UNICEF, the majority are from the lowest castes.

Dalits and tribal people are often the targets of Hindu religious extremism as well. Over the years, many Dalits and tribal groups have converted from Hinduism to other faiths to escape widespread discrimination and achieve higher social status. However, such converts often lose their benefits conferred by the government’s affirmative action programs because these, according to the Constitution, are reserved only for those having scheduled caste status. Converts to Christianity are particularly targeted.

Christian missionaries have been operating schools and medical clinics for many years in tribal areas and among the very poor, and tribal peoples and Dalits have made great strides as a result. Hindu extremists resent these gains for disturbing the traditional social order, as better educated Dalits and tribals no longer accept their disadvantaged status as readily as they once did. Some Hindu groups fear that Christians may try to convert large numbers of lower-caste Hindus using economic or social welfare incentives. Many acts of violence against Christians stem from these fears and most go unpunished. Many states have also adopted anti-conversion laws in violation of India’s constitutional protection for religious freedom.

In many cases, India has very good laws to protect the human rights of its citizens, although new and tougher legislation against trafficking is clearly necessary. But the best laws in the world are useless unless there is vigorous enforcement. And all too often, enforcement of laws protecting human rights is weak or non-existent. As an American, I can easily understand the difficulty in a democratic, Federal system of confronting deeply ingrained social preju-

dices against a minority, but that difficulty must be faced and overcome in any nation that aspires to its rightful place as one of the great nations in the world. To keep nearly a quarter of one's population in subhuman status is not only a grotesque violation of human rights, but a formula for economic and political stagnation as well. Once in America, we deprived African Americans of the most basic rights and opportunities. This was especially true in our southern States, which were once a byword for poverty and backwardness among people of all races. For a long time, we refused to act at a national level to stop lynchings, often arguing that it was a local problem. Yet we all suffered the consequences of shutting out a huge segment of our population from equality and justice.

Now, after the civil rights movement ended all legal basis for discrimination, and lynching is only a shameful memory, the southern States are among the most economically dynamic in America, and all regions of America enjoy unprecedented prosperity. By fulfilling its promises of equality and justice for all, India will also benefit in every way imaginable.

Today, our panel of distinguished witnesses and visitors will provide us firsthand accounts of the situation in India, what Dalits and tribal peoples are doing for themselves to advance their cause and, I hope, they will provide suggestions as to how the U.S. can best ameliorate this terrible situation.

And I would like to now yield to Ms. Lee, my friend and colleague, who is acting as Ranking Democrat today.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS

The Subcommittee will come to order, and good afternoon to everyone.

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However, there is still a long road to travel. Most observers have focused on the nuclear proliferation implications of our announced agreements as potential stumbling blocks to a true strategic partnership between the U.S. and India. But as we seek to develop a strategic partnership, we must not lose sight of India's serious human rights problems. These problems are amply documented in the three current State Department reports: the 2004 Human Rights Report on India, the 2005 Report on Trafficking in Persons, and the 2004 Report on Religious Freedom. All three are massive catalogues of human rights violations which the Government of India condones, ignores, and in some instances, has even promoted.

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Further, the 2005 Report on Trafficking in Persons has this to say. Again I quote:

India is a source, transit, and destination country for women, men, and children trafficked for the purposes of sexual and labor exploitation . . . Internal trafficking . . . for . . . sexual exploitation, domestic servitude, bonded labor, and indentured servitude is widespread. . . . the vast majority of females in the Indian commercial sex industry are currently victims of sexual servitude or were originally trafficked into the sex trade. India is also home to millions of victims of forced or bonded labor.

The Government of India does not fully comply with the minimum standards for the elimination of trafficking.

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Finally, there is abortion. In theory, India only allows abortions for risk to the life of the mother, or "grave risks" to her health, or for "substantial risk" of fetal impairment. Yet like so many countries where the absolute right to life of the unborn child has been disregarded in a misguided attempt to provide a so-called "limited" abortion license, the reality is that there is abortion on demand. Estimates of abortions run as high as 7 million a year. There are some estimates that 17% of maternal deaths are due to abortion: so much for "safe, legal and rare."

And abortion is not just at the demand of the mother, but often at the demand of relatives who don't want girl babies. The incidence of "sex-selection abortions" has reached staggering proportions. As many as 50 million girls and women are missing from India's population as a result of infanticide and abortion. *In most countries in the world, there are approximately 105 female births for every 100 males. In India, there are less than 93 women for every 100 men in the population. In one wealthier area of the capital of New Delhi, the sex ratio at birth has dropped to 762 girls for every 1,000 boys, one of the lowest in the entire country.* The problem is getting worse as scientific methods of detecting the sex of a baby and of performing abortions are improving. These methods are becoming increasingly available even in rural areas.

India banned sex-selection abortions in 1996, but the health minister recently admitted that not a single person has ever been convicted or otherwise punished for having carried out sex selective abortions. UNICEF has warned that unless steps are taken to address the problem, India will soon face severe social problems, not least increased trafficking of women, which is already an enormous problem. As more and more girls are aborted or murdered after birth, more and more poor women and girls will be trafficked.

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Ms. LEE. Thank you, Mr. Chairman. That was a very comprehensive statement. And I want to thank you for this hearing and also thank Congressman Payne for working with you on it. He unfortunately had to miss this hearing today, but he wanted me to thank you, as well as our witnesses, for this very timely and important hearing.

Mr. Chairman, no one can ignore the tremendous transformative steps India has taken since independence in 1947 in modernizing its society and preparing itself to be a global leader in the 21st century. India is an international center for high tech and biotech research and development. Its economic growth has steadily pushed forward over the last 15 years, allowing a sizeable middle class.

I had the privilege of travelling to India a couple of years ago and I saw the vibrancy of its economy and the beauty and the resilience of its people, yet for all its success, India carries some social customs like the practice of untouchability that impede its progress toward a modern India. That is why this hearing is a modern forum for us to learn about ways India can overcome pernicious centuries of old practices of societal exclusion that, of course, Mahatma Gandhi brought to light. While Gandhi is known through the world for leading India's non-violent freedom fighters to victory over the British, now his other lifelong battle, of course, was against the injustices brought by the social divisions of the caste system. Gandhi is often quoted as saying, "It is a crime and sin to regard a person as an untouchable because he is of a particular community." And that is a direct quote from Gandhi. Indeed, many credit Gandhi for raising awareness that eventually led to the Indian Constitution abolishing the practice of untouchability. That was, I believe, in 1950.

In addition, enshrined into Indian law are affirmative action programs allocating 15 percent of all government jobs and university placements to the scheduled caste, that has been instituted in the last 55 years. But, of course, just in our own country, here in America, discrimination still exists. The Dalits, as the untouchables prefer to be known as, are far the most ethnically indistinguishable from other castes and are estimated to number—and this, again, is an estimate because I have seen a variety of estimates at least over 150 million. Caste and class are linked in India.

According to the *National Geographic*, nearly 90 percent of all of the poor and 95 percent of all of the illiterate in India are Dalits. As the most recent report from the World Bank notes, caste remains a key indicator of economic opportunity in India. As well, violence against the Dalits remain a reality in modern India. In 2000, there were 25,455 reported crimes. Some argue against Dalits. Some argue that the figure is probably higher, as many cases go unreported for fear of retribution and the high cost needed to bribe police. Human Rights Watch has reported that Dalits continue to face violence and discrimination in nearly every sphere of their lives. Women are targeted with sexual violence. Not only do

authorities regularly tolerate such discrimination and violence, in some instances, they actively encourage it.

Furthermore, Amnesty International has reported that Dalit girls are often forced or sold into prostitution. So, Mr. Chairman, these are not the attributes of a nation on its way to leadership in the 21st century. These are challenges that must be addressed head on—head on. Ghandi’s message of a casteless society must be carried forward. Some point to efforts to promote continued economic growth as a silver bullet for alleviating the poverty and discrimination that Dalits face in India. But growth alone cannot and will not force changes to centuries-old customs. That is why I look forward to this hearing, I look forward to listening to our witnesses on how they see a 21st century India abandoning 17th century practices and embracing a future that includes all Indians. I believe it is Indians who need to let us know what they see as their vision on how this can be accomplished. Thank you, Mr. Chairman.

Mr. SMITH. Thank you. Mr. Fortenberry?

Mr. FORTENBERRY. Well, thank you, Mr. Chairman, for holding this important hearing. Ms. Lee, I also have a quote from Mahatma Ghandi that I would like to read:

“If I have to be reborn, I should be born an untouchable so that I may share their sorrow, sufferings and affronts leveled at them in order that I may endeavor to free myself and them from that miserable condition.”

Now, Mr. Chairman, I think before we consider what further steps that we may take as a Congress and international community to help advance the civil rights of the Dalit people, I think it is also important to acknowledge the Indian Government’s work to right many wrongs against Dalit people and criminalize violence. I look forward to hearing of any successes in this regard or, as you, Mr. Chairman, have outlined most powerfully, the vast amount of work that remains to be done in this regard. But most of all, I look forward to hearing about how we can help India achieve Ghandi’s vision for all of her people.

Mr. SMITH. Mr. Fortenberry, thank you so very much.

I would like to now welcome our very distinguished witnesses to the witness table, beginning first with Mr. Udit Raj, who is the National President of the Justice Party, the All India Confederation of Scheduled Castes/Scheduled Tribes Organizations, and the Lord Buddha Club, which was founded in 1996 for furthering the cause of Buddhism, implementation of reservation, which is India’s version of affirmative action, setting up schools and vocational centers, promoting the cause of human rights, and ensuring economic development of the Dalits. Mr. Udit possesses an M.A. in Political Science, and is an LL.B., Ph.D. scholar. Udit continues to fight against social injustice and contributes to the cause of effective implementation of reservation for the Dalits of India.

We will then hear from Professor Kancha Ilaiah, who is a Professor and currently Head of the Department of Political Science at Osmania University in India. Dr. Ilaiah is the author of many books on the socio/political situation in India. In 1985, when starvation deaths occurred in a poverty-ridden district in India, he established free feeding centers for the starving masses, started a

massive campaign against caste atrocities in India, and campaigned against state repression of the Dalits and other lower-caste people in India. For the last 25 years, he has been campaigning against the practice of untouchability in India.

We will then hear from Ms. Indira Singh Athwale. Ms. Athwale is the State President of the All India Confederation of Scheduled Castes/Scheduled Tribes Organizations, as well as a Professor in the JBD Science College, an affiliate of the University of Pune. Ms. Athwale fights for the rights of Dalits, Dalits women in particular, all across India. She is also National President of the Fule-Shahu-Ambedkar Students' Association, a college and university level organization that brings together low-caste students.

We will then hear from Dr. Joseph D'Souza, who is the President of the All India Christian Council, one of the largest interdenominational alliances of Christians dealing with national concerns and human rights issues. Dr. D'Souza is also the International President of the Dalit Freedom Network and the Associate International Director of OM International. Dr. D'Souza has been writing articles and speaking publicly for nearly 25 years. He focuses on issues of freedom of religion, human rights, and the work among the oppressed and the marginalized. He travels extensively in his campaign for the rights of the oppressed and marginalized in society, especially for the rights of Dalits and the backward castes in India. His most recent book, a best seller, *Dalit Freedom Now and Forever*, was published in the year 2004. In addition, Dr. D'Souza's articles have been published in major mission journals and magazines, as well as the three compendiums, *Communication in an Asian Context*, *Perspectives on the World Christian Movement Handbook*, and *Global Missiology*.

We will then hear from Dr. T. Kumar who is no stranger to this Committee. Mr. Kumar is the Advocacy Director, Asia and Pacific, for Amnesty International and has been a frequent witness for this Committee on a variety of human rights issues. It is always great to see my good friend, Mr. Kumar, and we thank him for being here, as well.

Dr. Raj, if you could begin?

STATEMENT OF UDIT RAJ, PH.D., CHAIRMAN, ALL INDIA CONFEDERATION OF SCHEDULED CASTES/SCHEDULED TRIBES ORGANIZATIONS

Mr. RAJ. Thank you, Mr. Chairman, Ms. Lee, Mr. Fortenberry. First of all, I thank you all that you are giving a representative of that community which has not gotten justice as yet. But to talk about justice, if the wife had not been held internationally for the world, everything within the Hindu society, but to the world it is not everything.

Indian society, in other words, Hindu society, has been divided in full semi-strata. On the top are the Brahmins, then Kshatriyas, then the Vaishyas, and the Dalits are the bottom from the feet. That is the origin of Dalits. Today I am here before you because of reservation given by British rule in 1952. I am here to seek your help that now the time has come again to give something to Dalits because the world is getting globalized, the economy is being

globalized, culture, everything and globalization is harming us a lot.

Job opportunities are there in private sector, government sectors are shrinking. So far I was leading about four million employees and officers working in the government and of course the state governments in India. But globalization is marring the percentage. As a result of globalization, government sector is shrinking very fast, nowhere to go.

Dalits got reservation in politics, in government services in 1932. Our so-called upper-caste, dominant-caste, they say that of course everything right is our way of living. We say no, it is not our way of living. We are to be studied, our problems are to be addressed separately, which have not been addressed. For instance, Mr. Chairman, if you lined up a Dalit, you will encounter educated upper-class boy who will say everything is all right, our culture is all right, everything is fine. Our thinking is not to go after material world. We are satisfied with this, probably you will be also impressed. Our things have not been noticed. About 5,000 women are raped in a year. Last year, 25,000 Dalits were subject to different atrocities such as rape, et cetera. These are the reported cases, commission. And many unreported cases go on there.

Now in the interrelation, there are two or three things which are very important. If you want, of course, there is harmony in Indian society, then Dalits are to be integrated in the economic area and in the service field. A lot of Dalits started taking up arms today. Why? They are joining the Communist Party over there, they think because they are not getting justice. So our society is going to become unbalanced, so it is in the interest of India/United States relations to the Dalits' interests are addressed separately. They should be given opportunities at least in American companies, multiple companies established in India. The upper-caste industries are opposing and they are not giving any opportunities, job opportunities in their concerns. Therefore, my main concern is that investment from America, huge investment is taking place in India. At least that should be taken up, that the Dalits are given opportunities for this.

They should be also given without facility; they can come as carpenters, they can come as manual workers here. There are very many ways, of course, important for United Nations. Or though they are meant for taking care of labor problems, women problems, exploitation of any form. But these are not accessible to us.

So this is what I have to say, that U.S. investment must take care of our interest also and in the interest of Indian/United States relations. That is all, thank you.

[The prepared statement of Mr. Raj follows:]

PREPARED STATEMENT OF UDIT RAJ, PH.D., CHAIRMAN, ALL INDIA CONFEDERATION OF SCHEDULED CASTES/SCHEDULED TRIBES ORGANIZATIONS

LEFT BEHIND: THE IMPORTANCE OF RESERVATION FOR THE FUTURE OF THE DALITS

More than 200 Million people in India are being hurt by the growth of the private sector in India. The reservation system that has guaranteed some measure of economic advancement for the Dalits is being slowly destroyed by the progress of privatization in India. Millions of Dalits will lose their government-protected employment, called reservation, and will be unable to find work due to caste discrimination. While Indian industries will not integrate Dalits in their companies, I come

before you today to call on the United States Congress to influence US companies to seek out Dalits in hiring and training and help us climb out of the three thousand year old grave dug for us by caste-minded Hindus.

The Economic Times reported on 29 September, 2005 that the profits from leading Indian companies had jumped by 40% while employment only grew 3.8%. The public sector in India accounts for more than 8% of the employment but has been rapidly shrinking from privatization and globalization. More than 2,000,000 jobs have been lost in the public sector in the past few years. Reservation, a part of India's constitution from the beginning, ensured that a certain percentage of these public sector jobs would be reserved for Dalits. As the public sector shrinks, Dalits have no employment alternatives: globalization is adversely affecting Dalits and therefore the developed countries, particularly the United States, must uplift the Dalits in a situation where their own countrymen consider them worth less than animals.

Millions of untouchables (Dalits) in India have been subjected to humiliation, degradation, untouchability, starvation, rape, murder, and more for the past 3000 years. Indian society was divided into four classes or varnas (castes): on the top are Brahmins (priestly class), next to them are Kshatriyas (warrior class), then the Vaishyas (business class), and at the bottom are Shudras and untouchables. These untouchables can not share any public platform, and even their shadows are said to pollute so-called upper castes. The "Laws of Manu", which regulates the social and political lifestyle of Hindu society in India, bars untouchables from reading, pronouncing, and hearing holy books and hymns like the Vedas; if they hear them molten lead is to be poured in their ears, their tongues are to be cut off if they pronounce them, and their eyes are to be pierced with red hot iron if they read them. Even African slaves never faced such draconian social and religious norms. The Indian Government may say that their old Constitution, the Laws of Manu, has been replaced by a modern Indian Constitution framed by Dr. B. R. Ambedkar. But in reality, the old Constitution still holds the order of the day, in day-to-day life.

The world may not believe this nightmare is factual truth, but it is so. Why did the apartheid problem catch the attention of the world? It is because nature and religion did not help in masking the reality. Blacks and whites are both creations of nature and this realization has helped in exposing the discrimination of brothers with black skin. Such discrimination was not backed by religion, be it Christianity or Islam. But in our case the social discrimination, which has pervaded all walks of life, is caused by the Hindu religion. The untouchables have been consoled to live a dehumanized life because they are said to be condemned to it by the desire of gods. It is so deeply entrenched that even Dalits have internalized their slavery. Accordingly, it is considered good if they suffer because they are washing away the sins of their past lives and their present suffering will supposedly liberate them in the next life.

UN article 1 of the UN Convention on Elimination of Racial Discrimination (CERD) is inclusive of caste discrimination as formally interpreted and explained by the CERD Committee in 1996, ICCPR (International Convention on Civil and Political Rights) in 1997 and the UN Sub-Commission for protection and promotion of Human Rights in 1999. Consider this—on the one hand the Indian Constitution recognizes discrimination for the basis of reservation—on the other, the representatives of the Government of India in international bodies consistently deny the existence of caste discrimination. The Indian Government and its dominant castes are not shy about receiving international aid from the UN and developed countries in the fields of health, education, and rural development. Yes, somehow they continue to say that caste discrimination is an internal matter. Even the most developed countries like the USA and Japan have gracefully accepted discrimination in their respective countries. When nature-created differences like blacks and whites are being fought then why can not man-made social norms arising from the caste system also be fought? Our problems are more severe than apartheid. Can anyone deny that the killing, rape, starvation or social discrimination of Dalits is not rampant? Isn't it a fact that safeguards like reservation provided in the Constitution are frequently flouted? Isn't it true that today also untouchables are carrying human excreta on their heads? Isn't it a fact that even in the wake of the tsunami tragedy that struck coastal Tamil Nadu, many relief camps were put up by the Government and other voluntary bodies, wherein Dalits were not allowed to share food and shelter side-by-side with upper castes and others? Even in the cases of death, they were treated separately. Among human beings, caste discrimination still continues to be practiced in India which proves that the dominant castes cannot change their mindset.

The only progress made by the Dalits is due to reservation in services and politics. Dalits constitute about 25% of the total population of India, meaning Dalits are due nearly one quarter of all public jobs and political appointments. So far, reservation has not been fully implemented. For example, out of 120 Secretaries in the Govern-

ment of India, there are hardly any Dalits. Of the 22% of jobs saved from Dalits and native Tribals in India in the central government, only around 14% have been filled at the highest level and the next highest level. These levels are consistent with those at Public Sector Undertakings and Banks. There are almost no Dalit judges.

Making matters worse, the government of India has been slowly eroding the power of reservation. In 1997 the Department of Personnel & Training issued five anti-reservation orders on the basis of Supreme Court judgment which have eroded the base of reservation.

The All India Confederation of SC/ST Organizations has been struggling since 1997 for restoration of the benefit of reservation and its implementation. Outside of reserved employment, the opportunities afforded Dalits are abysmal. Poverty among Dalits remains around 50%. Dalits often earn less than 1 US Dollar per day. The total budget expenditures from all ministries for Dalits and other lower castes in India amount to Rs. 62,530.4 million. That is only \$6 spent by the government per Dalit for the entire year. Currently there are 5.21 million Dalit job seekers registered with the Ministry of Labor who are being denied equal opportunity because of caste. Most of these will only find jobs as manual scavengers and cleaners. Many will have to hide their identity to survive. The untouchables do not have any participation in the fields of industry, trade, commerce, higher education and judiciary, art and culture. Imagine what would be happening to them if there were no reservation at all.

I want to close by drawing a comparison between your country and India. 150 years ago slavery was abolished in the United States. At that time, blacks had no legal rights, had a high illiteracy rate, had no culture to call their own, and had few employment opportunities outside of manual labor. Now, I see that here in America there are 75 black CEOs in major corporations. I see African-Americans in sports, film, music, and on TV. I see Oprah Winfrey and other black leaders help lead America. I see legal cases where blacks present their case and are given justice. I see a country with opportunity for all regardless of color or background.

In India, a system of caste has kept the Dalits down for 3000 years. There are no Dalit CEOs. Barely one-third of all Dalits are literate. Dalit children dream of becoming actors and actresses but their dark skin prevents them from finding a place on screen. Murder, grievous offences, rape, arson, and other atrocities are rampant against Dalits. Recently, more than 50 houses of Dalits were burnt at Gohana in Sonapat District of Haryana state in India. Before this, five Dalits were lynched for a cow Carcass. They were going to sell its hide to the market and the dominant castes came to know and attacked and brutally murdered them. In reaction to the incident, the international vice-president of the Vishwa Hindu Parishad (VHP), which is also quite active in the USA, Mr. Giriraj Kishor stated that a cow was more important than Dalits in Hindu scriptures. In 2001, about 44,000 atrocities were reported as per the National Crime Record Bureau, Ministry of Home Affairs, Government of India. This is the official figure, but many more incidents go unreported, and if these are also taken into account, it will be more than hundreds of thousands of cases.

The US Government should come forward to save the interests of the Dalits. It should take up the cause with the Government of India so that the interests of Dalits are protected. The United States has a powerful voice in the international community and the Congress is the originator of that voice. Urge your companies to hire Dalits. Urge your diplomats to bring the issue of caste up to the Indian government. Allow Dalits space at the United Nations. The All India Confederation of SC/ST Organizations is the largest organization of government employees in India, but Human Rights Commission of the UN doesn't provide opportunity to its representatives to articulate the grievances of Dalits. Right now an abundant amount of US funds, donations, and other assistance in the form of education, knowledge, technology, and in kind donations are being transferred to India, but Dalits hardly get anything out of these. Even funds and assistance provided for Dalits are being stolen by others. Almost all NGOs are owned by the upper castes, and it is they who articulate Dalits' grievances, often without the knowledge of the Dalits. A White businessman established a Medical College in Mississippi exclusively for Blacks, but there are no such examples in India. The US can provide opportunities to Dalits to seek jobs in the USA while providing them Visas. Educational Institutions can be established in India so that not only the knowledge of English is given to Dalit children but also important degrees are available. Break the hold that caste has over CEOs in foreign and multinational companies. Give the Dalits the opportunity to enter the international economy.

Due to modern communication and high technology, the world has become like a village and hence people living in any part of the globe are morally bound to stand

and share with others in their suffering. I am quite hopeful that members of this Committee will watch to see that from now onwards the Dalits receive fair treatment from US companies and leaders.

Thank you for your time and I welcome any questions.

Mr. SMITH. Dr. Raj, thank you very much. Professor Iliaiah.

**STATEMENT OF MR. KANCHA ILAIAH, PROFESSOR OF
POLITICAL SCIENCE, OSMANIA UNIVERSITY, INDIA**

Mr. ILAIAH. Thank you, Mr. Chairman, for inviting me here. I thank Ms. Lee and Mr. Fortenberry to have made their presentation.

At the outset, I have written notes here. I would submit this for your consideration and make two or three points basically what I have after that. Ghandi was twice quoted by both Members, who was the father of our nation, of course, there is no question about that. But there is this father of Dalit tribals and he is known as Dr. B.R. Ambedkar. I would quote something from my head, because I did not bring the written statement. He said, while handing over the Indian Constitution to the President of India, which he dropped it, that:

“In 1950 we are entering into a system of contradictions. Politically the Indian untouchables, tribals, backward masses, are going to have the right to vote. But socially and spiritually, they will continue to exist in slavery and bondage. And if this social slavery and bondage is not broken in the times to come, this Constitution will break and the democracy is going to crack.”

So, Mr. Chairman, Mahatma Ghandi opposed untouchability, but most unfortunately, he did not oppose the caste system. Now as a result, the Indian Constitution, article 17 says, untouchability stands abolished, but more understanding, the understanding of the Dalit OBC tribal intellectuals today is, unless caste is unabolished, untouchability cannot be abolished. They are inter-linked. They are born one and the same time. God created untouchables, God did not create untouchables in Hindu scriptures and God created the lower-castes from his feet. So there is no way in which we can move toward the head.

Now this caste system and untouchability, Mr. Chairman, has become a source of social tension in India not today, but over a period of 300, 400 years now. But now the social tension is boiling. There is a view held by the upper-caste intellectuals, the ruling party of India, BJP says its organizations, that Islam was forcefully imposed on the Indian continent. But my own understanding tells me it is these lower-caste millions of untouchables and Dalits, historically embraced Islam, because there was no possibility of equality in Hinduism, ever.

And in the last 70, 80 years, quite a number of people are moving into Christianity, are moving into Buddhism. My friend himself embraced Buddhism, leaving his past back. But this is treated as imposition and the Hindu forces inflict violence on those people who go to other religions. Now this is where Afghanistan, Pakistan, Bangladesh, even Kashmir, have become Muslim nations and the criminal rights got created because the lower-caste thought of this

as an escape from oppression, whereas the upper-caste thought our slaves are leaving elsewhere.

So in the interest of Indo/American relations and in the interest of reducing the tensions of South Asia, which is the most boiling point of violence today, it is important that America would place on its legislative records that castes and untouchability stands should be abolished.

And my request to your Committee Chairman is that the United Nations, when it drafted its human rights chapter, it placed on record the sources of inequality in the world. It said religion, language, race and gender were the sources of inequality. But to our most unfortunate situation, caste was not seen as a source of inequality. We want to put this on your agenda of human rights chapter and we appeal to the American State, even civil society and commissions like this, to help us to put castes on the list of sources of inequality.

Secondly, there is a view, even of the American view, as I said in my paper, that extremism is increasing in India and India's neighboring countries. It could be of terrorism, it could be of Maoist kind of violence. If you see the belt from South India to Nepal, there is the connection of Maoist kind of violence increasing. But why is this happening, with all these people going there? In my own perception, my own studies, it was very clear that the untouchables who labor day in and day out, but do not even get \$1.00 wage a day. And the market rate of survival is \$3.00 minimum wage is needed to buy anything for survival, food. So there is education to us was stopped for several years, but because of freedom and because of the British openness, some education was opened to us. But unfortunately, there are two education systems. The Indian Government education system, which is given to our children, operates in regional languages. I studied in regional language and we need to go to college only to write our exams in English, which is impossible.

Whereas the upper-caste, the rich, have English out there in the private sector. So therefore, I would ask this commission that World Bank, IMF and many financial, many forms of financial aid that flows from America to India through even USAID aid goes through the government agencies and the government agencies hardly spend—there are no Dalit capitalists, there are no Dalit entrepreneurs, Dalit contractors. But this money again flows into the hands of the upper-caste industry. Your outsourcing companies go there into the upper-caste employment agencies. So we would say that the globalized economy, including that of IMF and World Bank, should be inclusive. And we are in terms of number, as tribals, Dalits, other backward-castes, what we call the Sudras, we are today 750 million.

Now if the globalized economy does not include us, either in the form of whatever money flows from here, conditioning with the Indian Government that Dalits and OBC tribals should be part of that economic development, contracting, industrial share and sharing of the labor economy and the computer science economy, we should have our equal, what we call proportional share, based on population, caste-wise.

Now our market is breaking. The gap between the rich and the poor from 1991 to present has increased 300-fold. So it is likely to lead to major violence in that region and it is likely to drive people into terrorism in various modes. Therefore, I would ask upon this commission to see that we are given preferential treatment in all the American companies that come to our land. And all the European companies, it is possible through the UN charter mechanisms.

Secondly, we are also putting into English education through various mechanisms that globally are developed. We need to infuse aid into educational institutions and that should be coming to English education, but not regional language education.

And lastly, I would urge upon the American Government to, when our Dalit tribal OBC boys and girls apply for visas for higher education, they do not have the means to pay as much money as others can pay. All of the comfort jobs, many of our children cannot even see, Mr. Chairman, the face of your visa offices. So we want that some sort of priority visas, if our kids are qualified, up to the mark in terms of their degree or engineers. There are a number of engineers, doctors, within the tribal communities. Hopefully we are given some, our children are given some visas so that they can come here and learn and go back and then improve their condition back there. Thank you.

[The prepared statement of Mr. Ilaiah follows:]

PREPARED STATEMENT OF MR. KANCHA ILAIAH, PROFESSOR OF POLITICAL SCIENCE,
OSMANIA UNIVERSITY, INDIA

THE ABOLITION OF UNTOUCHABILITY: THE KEY TO STABILITY IN INDIA

Across South Asia, the rise in religious extremism has become a cause for concern for the United States and other world powers. Afghanistan, Pakistan, India, Bangladesh, Sri Lanka, and Nepal all are facing violent factions within their borders that threaten the stability of their governments and in some cases have led to a complete disruption in international trade, development, and economic growth. While the US and India share a common goal of fighting terrorism within South Asia and stopping these violent extremists, neither country has done an adequate job of understanding the causes of this instability or discovering why countries like Pakistan must now walk a perilous line between religious extremism and secular governance.

The violence across South Asia has its roots in the Hindu caste system. As the US continues its campaign against global terrorism and works to advance democracy, the US will not succeed in South Asia unless it understands and addresses the damage done by caste. India as a country cannot and will not be able to sustain its democracy unless Hinduism locates the malady that has turned 750 million low caste people and Dalits into ticking time bombs. This malady is caste.

The caste system is specific to the Indian subcontinent. It was a by-product of the invader psyche of Aryan Brahmins who treated the native dark-skinned people as unworthy of being humans. Though all countries in the world have suffered some form of racial discrimination, none have created such an immutable culture of spiritual untouchability. This culture spread across all of South Asia and seeped into her neighbors. It emerged out of racial practices that go back more than 50,000 years. As all ancient and medieval social systems became institutionalized as totemic religions by putting idol worship at the center, the Aryan religion combined totemic religion with rigorous spiritual inequality between light-skinned Aryans and dark-skinned Dravidians. It created a story of god that put the dark-skinned people of India as god's unwilling creation from his feet. It named these dark people Sudras—literally meaning slaves—and created the first form of slavery known to man. Unlike later European and US slavery, Indian slavery is a spiritual one that makes the sufferers perpetual social, economic, and political slaves.

This slavery was enforced in the form of brutal violence and barbarity. Tribes who were outside of the Aryan religion were kept untouchable by the Aryan priests. These people were darker-skinned and militant in nature. These groups had begun asserting their autonomy before being branded outcasts by the Brahmins. While

the Sudras were not supposed to read and write the scriptures, the Dalits could not even enter the village community. This has not changed even after the independence of India.

Two stories of Hindu gods show the violence of this religion: first, the story of the birth of the Ganapathy, whose image is being spread across the world, is quite revealing.

Ganapathy was the son of the God Shiva. One day his mother, Parvathi, was bathing in her bathroom while her son kept watch at the gate so that nobody entered into the bathroom where his mother was bathing. Shiva suddenly came and wanted to enter into the bathroom to have his own time with his wife. When the boy objects his father chops off his son's head and enters the bathroom. When Parvathi enquires about their son, the father realizes his mistake and chops off the head of their family elephant and adds that head to his son's body and makes him relive. This is how the God with the elephant head was born. This story is repeated by every priest during the Vinayak Chavithi festival.

This story indicates the patricidal nature of the Hindu God's behavior. He not only does not hesitate to go into the bathroom of his wife, but he also does not hesitate to kill his own son for sake his sexual gratification.

Then there is the famous story of Parushurama, a well-known member of ten incarnations of another Hindu God, Vishnu, who kills his mother, Renuka. Rama, the most famous God in existence, who called his birthplace India, was pushed into burning and inciting communal riots killing thousands of people, ordered his brother Laxmana to cut off the earlobes of Shurpanaka, a Dravidian woman and the sister of Ravana. Krishna, yet another famous Hindu God, kills his own maternal uncle. This saga of killing women and humiliating them, as well as killing children and relatives leaves a culture of violence in Brahminic Hinduism.

The ongoing enslavement of the Dalits and Sudras across the Indian subcontinent left these low caste people with no choice but to seek alternatives to Hinduism. Most sought alternatives that rejected caste-based religion. Thus, Sri Lanka and Nepal became Buddhist, while Afghanistan, Bangladesh, and Pakistan became Islamic. The people converting in these countries were all low caste, leading to a violent conflict between the low caste converts and their high caste rulers. Through this process, high caste leaders twisted the new religions to include some form of caste, leading to divisions within these religions between violent anti-caste camps and the more normal, spiritualized versions existent in other countries. Thus, in Afghanistan, Islam became the violent religion of hundreds of millions of angry low caste people who continued to fight against their caste-minded enemies for decades.

Unfortunately, the violence associated with these religions and religious subgroups has continued. In Pakistan and Bangladesh, in particular, a militant form of Islam continues to grow in numbers and in influence even as the enemy changes from Brahminism to secular government.

In India, hundreds of millions of low caste people are looking for a spiritual alternative to Hinduism. The first option being presented to them is Islam. More than two-thirds of the global Muslim population is on the Indian subcontinent. It is estimated that within decades India will have the largest Muslim population in the world.

The historical presence of Islam has been a largely spiritual and social one, as remnants of Islamic invaders practiced their faith and grew in numbers. Recently, however, Islam has grown exponentially as many lower castes wanted an alternate spiritual life that gives them equality. This type of growth led to the bifurcation of the country in 1947 as Muslims sought their own nation. Even after the bifurcation, tension between Muslims and Hindus continues and violence is widespread. Indian Muslims being the historically suppressed lower castes and Dalits they have an historical reason to be angry because the upper castes see them as the social mass who deserted and became free from their bondage. This situation lead to many religious riots in India.. Thus India became the place of violence and counter violence

This is not to suggest that Islamic extremism is the only ideology that has tapped the pent-up low caste anger. In the 1970s many low-caste people adopted a violent Maoist identity. Calling themselves naxalites, these Dalits began to use the theory of counter violence through the Maoist movement. The Maoist movement continues to use violence means such as car bombs and landmines to kill and intimidate..

Rather than diffuse the anger mounting up against them by low caste people, upper caste politicians have continued to oppress the Dalits economically, spiritually, and politically. As Dalits try to convert to other religions such as Islam, Christianity, or Buddhism, the politicians have passed anti-conversion laws that perpetuate Dalit slavery. The democratic experiment in India has thus far failed: it is not a democracy but a caste-ocracy. Only the high caste can learn English, so only they can rule. Even the communists have let the Dalits down. As democracy

has failed and the communists have failed, the Dalits and other lower castes have only become more and more angry and been more and more willing to be used.

The United States must address the problem of caste within the context of the US-India relationship. The US should support the effort to abolish caste through the United Nations and other international bodies. Caste is a source of inequality that is listed alongside race, religion, gender, and language. As the world leader, the US must see the end of untouchability mandated in international forums.

The United States must pressure India to allow freedom of religion for all people in India. Right now no Dalit can become a Hindu priest yet neither can any Dalit change his or her religion. This must end. Dalits and all castes should be able to convert in order to end spiritual slavery.

The United States must support a form of reservation in the private sector. US companies must seek to hire Dalits so Dalits can enter the international economy.

The creation of an intellectual class from the lower castes is of chief importance. We appreciate the efforts of US foundations like the Ford Foundation in giving scholarships for Dalits, Tribals, and other low caste students. I also want to thank the hundreds of Americans who have been financing the education of our children in the villages through Dalit Education Centers started by organizations like the Dalit Freedom Network in Denver, Colorado. Unfortunately, thousands of our engineers and other graduates cannot find jobs in the Indian economy because of caste discrimination. Even firms contracted from America are in the hands of upper caste owners. Employment in these firms is based on caste connections. America can build the confidence of Dalits, Tribals, and Other Backward Castes by giving qualified low caste people a priority in Visa distribution.

The US must conditionally earmark aid to India to provide for English education for low castes. All donations coming from the US to India should only be counted as tax-exempt if the receiving organizations guarantee admission to Dalit, Tribal, and Other Backward Caste children. Even now, the VHP raises funds in the United States that are tax deductible and sends this money to India to enforce caste and keep untouchability. This must stop. No organization should receive US money if it practices caste and untouchability.

The United Nations, World Bank, and IMF should have development guidelines that address the problem of caste in India. Right now this is not the case. For example, the World Bank gives money for education development without putting any condition on the medium of instruction. Thus, the government of India is paid to teach Dalits and Tribals their local languages without teaching them English, which is the language of the parliament. To resolve this and other problems, the IMF and World Bank should invite Dalit, Tribal, and OBC organizations into development dialogues and hire low caste inspectors to ensure the dollars are changing the situation for low caste people.

Mr. SMITH. Professor, thank you very much, and without objection, your full statement will be made a part of the record and that of all of our witnesses.

STATEMENT OF MS. INDIRA SINGH ATHWALE, ALL INDIA CONFEDERATION OF SCHEDULED CASTES/SCHEDULED TRIBES ORGANIZATIONS

Ms. ATHWALE. Thank you, Mr. Chairman, Congressmen of the Subcommittee. I would like to submit my written testimony for the record and present to you a brief summary of my views.

India had just celebrated 59 years of independence and we boast about being the largest democracy in the world. Yet, there is no independence or democracy for the large portion of the population that is Dalit women. Women are victims of atrocities, slavery and exploitation related to the ongoing practice of caste. Her oppression is threefold, as a woman, as a Dalit, and as the poor. The Dalit woman must fight at all three levels every day.

The problem of caste as it affects women is not well documented and not sufficiently addressed. You might be quite aware about the talks in the Beijing Conference where discussion on various reported developments since the 1985 Nairobi Conference were held. In this draft, 12 sectors reach out important for the equality and

development of women that cause barriers in the equality of women were charted out. Those are poverty, education, health, exploitation and violence, armed conflicts, racial and other conflicts, economic participation, participation in decisionmaking and power, national and international organizations, human rights, media, environment and development, girl-child development, et cetera. However, the issue of exploitation to caste-based discrimination was left untouched.

Dalit women are victims of rape and molestation. No one will disagree to the fact that sexual molestation is the worst kind of humiliation. This weapon is used in India not only to insult them, but also to silence voices raised against exploitation and to enforce the caste system. According to the latest report of National Scheduled Caste and Scheduled Tribe Commission, 5,000 reports of rape against Dalit women were registered in 1 year. This is just the recorded cases. There are thousands if not tens of thousands that are unrecorded. The Dalit woman cannot stay at home. She works and must travel far from her home on hostile roads.

So exploitation and violence at the workplace for Dalit women is the big issue. Female Dalit workers are alone in the workplace, beaten just because they are Dalit. They find little help from non-Dalit women organizations. A bonded laborer named—I would like to go to one case here, a bonded laborer named Vijabai Pawal, a Dalit woman, was made naked and then beaten by the owner of a brickmaking factory. The woman had come to try and retrieve her son and daughter-in-law, who had been held as bonded laborers by the owner of the factory.

Women have been given reservation in the local governing bodies on the basis of caste by the 73rd amendment to the Constitution of India. Many Dalit and Tribal women have become heads of the governing council, however, as there is no change in the Brahmin mentality and therefore these women have been humiliated and attacked also. There is greater conspiracy to end their political aspirations by not paying any respect to her constitutional status. Moreover, they have been abused, physically attacked and threatened with killing, as well.

Denying access to drinking water to Dalit women. Water is no one's private property anywhere. It is the most natural and should be equally accessible to any living human being. However, in 1927, Dr. Ambedkar had to fight for water. He launched the education for water from the Lake of Mahad in Maharashtra and he set the water on fire to give access to all Dalits. Through this fight, he gave them the right to be equal human beings. Unfortunately, nothing has changed since then. Today we do not have water taps or hand pumps in Dalit localities. To collect this, they have to walk miles every day. They also have to be silent victims of verbal abuse, insult and even inhuman beatings. Many times, the whole village also boycotts the Dalits. And this is one of the most powerful weapons they have been regularly using against the helpless minorities in villages. Even today, water is given to Dalits from above. They take great care of not touching the person or their pots. They have also not been allowed to touch or go near the public water wells in villages, so they have to sit aside, waiting for someone to come and again pray that he pours water in their pots.

The following incidents will speak for themselves, I have submitted with the paper there.

So then again, I would like to quote some atrocities, violence during the celebration of birth anniversaries, stop and terrorize the Dalit women. Dalits and many Backwards celebrate the birth anniversaries of Dr. B.R. Ambedkar. Rallies and other cultural programs are held on different dates in the month of April so as not to coincide with other holidays and special events. These events are hated by the upper-castes and therefore this is one of the most conflict-prone periods of the year.

It is crystal clear that even today, the caste system is the weapon of choice against women in India. Women's organizations here in India must look to the roots of this system to address the problems of caste. Caste must end for Dalit women to be free.

Dalit women must be given the right to own land outright and should be able to co-sign for land records with their husbands. This will insure that Dalit women have the ability to feed their families should their husbands leave or pass away.

The caste courts across India must be closed down. There must be a separate women's commission at the national level to deal with our issues. Dalit and Tribal women must be given every opportunity educationally. Foreign support should be geared toward uplifting women through female schools.

I want to close by saying that Dalit women are not weak and helpless but are revolutionary. They do not take exploitation sitting down and will work to find justice. Unfortunately, right now in India, there is no justice to be found. Thank you.

[The prepared statement of Ms. Athwale follows:]

PREPARED STATEMENT OF MS. INDIRA SINGH ATHWALE, ALL INDIA CONFEDERATION OF SCHEDULED CASTES/SCHEDULED TRIBES ORGANIZATIONS

THRICE OPPRESSED: CASTE VIOLENCE AGAINST DALIT WOMEN

India has just celebrated 59 years of independence and we boast about being the largest democracy in the world. Yet, there is no independence, no democracy for a large portion of the population: Dalit women. Women are daily the victims of atrocities, slavery, and exploitation related to the ongoing practice of caste. Her oppression is threefold: as a woman, as a Dalit, and as the poor. The Dalit woman must fight at all three levels every day.

If we look at the women's movement in India we see that the non-Dalit women's organizations have taken up issues related to dowry, divorce, and abandoned women. These organizations have been spreading awareness about violence against women and are working to prove that violence is not just a personal matter. This movement has given birth to institutions to protect women's interests and prevent atrocities against non-Dalit women. Additionally, these movements have bred family courts and women's cells in police stations. Now torture by a husband or a relative cannot be seen as just a personal family issue, but is known as a crime. Today the movement has even started heated debates about the issue of parliamentary reservation for women.

Placing Dalit women in all of these advances is a horrific journey backwards. The problem of caste as it affects women is not well-documented and not sufficiently addressed. You might be quite aware about the talks in the Beijing Conference where discussion on various reported developments since the 1985 Nairobi Conference were held. In this draft, twelve sectors (sectors important for the equality and development of women) that cause barriers in the equality of women were charted out: poverty, education, health, exploitation and violence, armed conflicts, racial and other conflicts, economic participation, participation in decision making and power in national and international organizations, human rights, media, environment and development, girl child development, etc. However, the issue of exploitation through caste-based discrimination was left untouched.

I want to highlight some reported cases of atrocities against Dalit women in different fields of life from Maharashtra and around India. Each of these areas of life is significant for the development and protection of family, community, and nation, and I hope you will see the threat that these attacks pose to Dalit women across India.

I. Dalit Victims of Rape and Molestation

No one disagrees with the fact that sexual molestation is the worst kind of humiliation. This weapon is used in India not only to insult Dalit women, but also to silence voices raised against exploitation and to enforce the caste system. According to the 28th report of the National Scheduled Caste / Scheduled Tribe (SC/ST) Commission, 3,998 reports of rape against Dalits were registered in one year. These are just the recorded cases—there are thousands if not tens of thousands that are unrecorded. The Dalit woman cannot stay at home—she works and must travel far from her home on hostile roads.

Pandu Dhure and women from his family were sowing in their field in Dhorani village when young upper caste boys starting dancing in his field. When Mr. Dhure tried to stop them, the youths molested his women.

In a village in the Jalgaon district, an upper caste boy molested a Dalit girl before their tenth standard (Grade Ten) examinations. The Dalit boys came to her defense until the upper caste boy retrieved 15 of his friends and beat the Dalit boys. Later, a mob of 100 upper caste men attacked the Dalit section of the village. That section of the village now lives in fear.

II. Exploitation and violence in the workplace for Dalits

Female Dalit workers are alone in the workplace. Beaten simply because they are Dalits, they find little help from non-Dalit women's organizations.

A bonded laborer named Vijabai Pawal, a Dalit woman, was stripped naked and then beaten by the owner of a brick-making factory. This woman had come to try and retrieve her son and daughter-in-law who had been held as bonded laborers by the owner of the factory.

The family of Devidas Sabane was working on the farm of a former Member of Parliament (MP) when it was utterly destroyed by caste discrimination. When the farmer's son fell ill, Devidas went to the MP's brother to demand money for his treatment. In response, the MP's brother beat Devidas and forced poison down his throat. Devidas died in the hospital that day. As Mrs. Vaishali tried to find justice, she was turned away by the police and the State Human Rights Commission. She later committed suicide.

III. Barriers in Local and Self-Governance

Women have been given reservation in the local governing bodies on the basis of caste by the 73rd amendment to the Constitution of India. Many Dalit and Tribal women have become Sarpanch (head of the village governing council); however, as there has been no change in the Manuvadi Brahmin mentality, these women have been humiliated and attacked also. There is a greater conspiracy to end their political aspirations by not paying any respect to her constitutional status. Moreover, they have been abused, physically attacked and threatened with death as well.

In August 2004, the female Sarpanch of Vajreshwari Grampanchayat village in Bhivandi Taluka from Thane District (neighboring Mumbai, Maharashtra), was reviewing the money spent on development work in a meeting. During this meeting, an upper caste member of the village council, Mr. Sitaram Patil, announced that Tribals do not understand the administration of the council and they should not interfere in the proceedings or they would be thrown out of the hall. In this same meeting hall, he verbally abused her because of her caste. The Ganeshpuri Police Station should have registered the offence under the atrocities act, but the police recorded it only under IPC 504 and 506.

Ms. Kiran Bansode is a dalit Sarpanch of village Karvadi in Karad Taluka from Satara District. In the general body meeting (Gramsabha) the former Sarpanch Mr. Balashaeb Suryawanshi and his supporters in the presence of villagers and administrative officers pulled her away from her chair and abused her in the name of her caste and beat her inhumanly.

IV: Denying Dalits Access to Drinking Water

Water is private property of no one anywhere; it is the most natural of elements and should be equally accessible to any living being. However in 1927, Dr. Ambedkar had to fight for water; he launched his agitation for water from the lake of Mahad in Maharashtra and set the water on fire to give access to all Dalits. Through this fight he gave them the right to be equal human beings. Unfortunately, nothing has changed since then. Today we do not have water taps or hand pumps

in Dalit localities. To collect water they have to walk many miles every day. They also have to be silent victims of verbal abuse, insult and even inhuman beatings. Many times the whole village boycotts the Dalits. This is one of the most powerful weapons they have been regularly using against the helpless minority in villages. This is more torturous than the tsunami, Rita or Katrina because those are natural calamities and do not bring humiliation along with them. Even today in hundreds of villages water is given to Dalits from above, taking great care of not touching the person or their pot. They have also not been allowed to touch or go near the public water wells in villages. They must sit to the side waiting for someone to come and pray that he pours water in their pots. The following incidents will speak for themselves.

In Osmanpur village, Taluka Partur, District Jalna, a Dalit community was attacked by upper caste residents on the issue of water. Three Dalit women were injured. On June 15, 2004, Dalit women went to fetch water from a public well in the railway station area. The upper caste women threw away the pots of the Dalit women saying that their pots touched and polluted those of the upper caste. They were also threatened not to fill water from there. After some time, the upper caste residents pelted stones and bricks on houses of Dalits, and some even entered into their houses and beat them. Ashabai Dhoke and others were three women who were seriously injured, while the whole community was under great threat. Though 19 complaints were booked under Civil Rights Protection Act (CRPA) [formerly Prevention of Atrocities Act], nobody has been arrested so far.

In village Varnjala, District Jalana, again there was conflict between Dalit women and upper caste people. Some Dalit women had gone to fetch water from the public well. Dalit men and women were badly beaten, and their section of the village was by boycotted by the upper caste residents. Dalits could not buy provisions from upper caste shops, could not grind their grains in upper caste flour mills, and could not find any work on farms or at other places. Many young boys left the village because they fear further attack. Because of agitation by Dalit organizations and Dalit political parties, the district social welfare officer reported the boycott to the District Collector and the superintendent of police, but the administration seemed completely negligent and passive about the whole incident.

V. Violence during Celebration of Birth Anniversaries

Buddhists, Dalits and many Backwards celebrate the birth anniversaries of Lord Buddha and Dr. B.R. Ambedkar. Rallies and other cultural programs are held on different dates in the month of April so as not to coincide with other holidays and special events. These events are hated by the upper castes and therefore this is one of the most conflict prone periods of the year.

On the occasion of the birth anniversary of Dr. Ambedkar, one such rally was organized in Devkurali village, Tuljapur Taluka, Osmanabad District. On April 25, 2005, the rally was stopped when it arrived at the Hanuman temple. The Dalit women were molested and manhandled because they allegedly touched the temple. The Police had been already informed by Dalits of the possibility of such an attack in an effort to avoid any such untoward incident. Sadly, however, no police personnel had turned up. The rally was turned back from that point without completing the intended route. The very next day 100 to 150 upper caste people pelted stones at the Dalit neighborhood. The shop of a Dalit man, Mr. Arun Thorat, was set on fire. Shridevi Thorat, a young woman, was badly injured when they went to the Temalvadi Police Station to register a complaint where they were delayed. The victims were accused. Their community was boycotted, but the District Collector and the Police Chief are denying any such event, as they have no report of it on paper.

VI. More Exploitation

Dalit women are abused by the federal and state governments. Dalit women are often attacked for the smallest of reasons. Dalit women have no access to health care facilities or to education. Given time, I could give you examples for each one of these statements. This last issue in particular, education, I could talk to you about for hours. Dalit women have a 90.95% dropout rate by the tenth standard. This means that less than one in ten of our Dalit girls will finish school. They will then have no opportunities for betterment later in life.

VII. Conclusion

It is crystal clear that even today the caste system is the weapon of choice against women in India. Women's organizations here and in India must look to the roots of this system to address the problems of caste. Caste must end for Dalit women to be free.

Dalit women must be given the right to own land outright and should be able to co-sign for land records with their husbands. This will ensure that Dalit women have the ability to feed their families should their husbands leave or pass away.

The caste courts across India must be closed down. These courts are constituted of rich, powerful upper caste people who use the courts to abuse low caste women. These courts have handed down awful judgments that skew the relationship of a man to his wife. For example, the caste court in Bheena village in the state of Madhya Pradesh allows kidnappings of married women. The judges of the Bheena caste court decided that women were of no person and therefore could be traded like animals. This type of practice could end if the caste courts were removed.

There must be a separate women's commission at the national level to deal with our issues.

Dalit and Tribal women must be given every opportunity educationally. Foreign support should be geared towards uplifting women through exclusively female schools.

I want to close by saying that Dalit women are not weak and helpless but are, on the contrary, revolutionary! They do not take exploitation sitting down and will work to find justice. Unfortunately, right now in India there is no justice to be found.

Thank you.

Mr. SMITH. Ms. Athwale, thank you very much for your very passionate and very disturbing statement. This does help this Committee, I think, get a greater understanding of the severity of these crimes and this pervasive discrimination, so thank you.

Ms. ATHWALE. Thank you.

Mr. SMITH. Dr. D'Souza?

**STATEMENT OF JOSEPH D'SOUZA, PH.D., PRESIDENT, DALIT
FREEDOM NETWORK**

Mr. D'SOUZA. Thank you, Mr. Chairman and Esteemed Members of the Congress for providing us this opportunity and having this Subcommittee hearing. We, of course, welcome the new era of the close United States/India relationship that is developing. And we welcome Prime Minister Singh's comprehensive statement and agreement he signed with President Bush to develop Indo/U.S. relationships further.

India is a great nation, it has great people, and it will occupy its rightful place as a global leader in the comity of nations. However, we have to affirm that this will not happen unless the caste system is abolished and, along with it, the terrible discrimination against Dalits in present day India.

India's tragedy is that society continues the practice of the caste system, with the rule of law not being applied when Dalits are being discriminated against, even though the practice of untouchability stands abolished by the Constitution.

I am sure we have noted the point made by two of our speakers that while untouchability stands abolished, caste has never been abolished by the Indian Constitution. Year after year, the main government commission known as the ST/SC Commission, tables its reports in Parliament on the atrocities and discrimination against Dalits, but there is no action taken. Our speakers have also referred to the restorative justice element provided by our Constitution in the reservation system. If it was not for this, I submit we would not have seen any Dalit leadership and intellectuals emerging from these communities in modern day India, leadership that today campaigns for the abolishment of caste and even is present in this very room.

I want to focus our attention on an interesting twist that ended up in blatant discrimination against Dalit Christians, which was a Presidential Order of 1950, which stated that the benefits that the Constitution earmarked for Dalits would be only given to those Dalits who subscribed to Hinduism. The argument given then was that since Buddhism, Sikhism, Christianity did not teach the practice of the caste system, Dalits who had converted to these religions would not receive these benefits in the social, economic areas. In one stroke, the Presidential ordinance violated the constitutional provision which states that the state will not discriminate on the basis of religion. Again, the state became guilty of using affirmation action benefits to keep Dalits enchained within the caste system.

Dalit Sikhs and Dalit Buddhists campaigned long and hard to have the benefits extended to them. Their argument was potent. Caste in India is a social stigma and an identity that does not vanish when Dalits turn to another religion. Their Dalit stigma goes with them. Dalit discrimination goes with them. Wider society still stigmatizes, oppresses and discriminates because they are Dalits. Their socio-economic conditions do not change and the long history of exploitation does not come to an end when they adopt a non-casteist faith.

After a long campaign, both Dalit Sikhs and Dalit Buddhists had the benefits restored to them. But curiously, Dalit Christians were not given these benefits and continued to be oppressed because of the denial of these rights.

Archbishop Chinnappa of Tamil Nadu, himself a Dalit, points out:

“The usual argument posed against the extension of reservation to Dalit Christians is that there is no caste system in Christianity. This is right, Christianity does not preach any caste discrimination, but the situation in India is different. Our society is based on the caste system. From cradle to grave, caste considerations rule the roost. Dalits of all religions live in the same society ruled by caste values. A change of religion does not alter the social-economic status of Dalits. The social stigma and ostracism in society continue to haunt them wherever they go. A Dalit is considered untouchable, irrespective of the religious faith he or she may profess. As for atrocities, there is no discrimination between atrocities committed against a Hindu Dalit and a Christian Dalit.”

Furthermore, the Archbishop, commenting on the Presidential Order of 1950 says:

“The Order violates the letter and spirit of many articles of our Constitution. Article 15 which says: ‘The State shall not discriminate against any citizen only on grounds of religion, race, caste, sex, place of birth or any of them.’ But here we see the state itself discriminating on the basis of religion within a given caste group. Article 25 reads: ‘. . . all persons are equally entitled to freedom of conscience and the right to freely profess, practice and propagate religion.’ But the Order denies the freedom of religion to Dalits. In fact, it amounts to forced inducement or allurements by the state by offering constitutional

protection and privileges to Dalits in order to stay in a religion, and by punishing them by withdrawing the same benefits if they dared to profess a religion of their choice.”

Mr. Chairman, a number of commissions and even the Supreme Court have vindicated the stand taken by Dalit Christians, that the change of religion does not change their status and identify in society. One of the quotes from a Supreme Court ruling reads as follows:

“. . . to deny [Dalit Christians] the constitutional protection of reservation solely by reason of change of faith or religion is to endanger the very concept of Secularism and the *raison d'être* of reservations.”

Now in a current and recent development due to the filing of a petition in the Supreme Court by a human rights organization and a Dalit Christian lawyer, which asks for a review of the Presidential Order of 1950, the Supreme Court has asked the government to give a response. The present government, once again in a delay tactic, asked for more time and announced that it has passed the matter to another commission. On October 18, 2005, this petition comes for hearing again in the Supreme Court, by which time the Government of India has to answer. The petitioners are asking for a bill in Parliament to be treated the same as any other Indian citizen. It is simply amazing that 70 percent of India's 30 million Christians who are Dalits have been denied these benefits for 50 years that rightly should be theirs.

We have issued an appeal to the Government of India, heads of political parties and members of Parliament. I request that you include this statement, this appeal, in the record. In closing, I want to thank you that you are considering the issue and how this issue impacts the future and the growth of the Indo/U.S. relationships. Whether or not one agrees with the system of reservation, we must agree that denying a constitutional right to a large percentage of the population based solely on religion is illegal and immoral. Thank you.

[The prepared statement of Mr. D'Souza follows:]

PREPARED STATEMENT OF JOSEPH D'SOUZA, PH.D., PRESIDENT, DALIT FREEDOM NETWORK AND MATERIAL SUBMITTED FOR THE RECORD

India is a great nation and it will occupy its rightful place as a global leader in the comity of nations. But it will not happen unless the caste system is abolished and along with it the terrible discrimination against Dalits in present day India.

No nation can achieve its true greatness and potential if a vast majority of its people are discriminated against on the basis of descent and occupation. Caste discrimination and prejudice in the new India continues to banish nearly a quarter of its population, a size equal to the population of the US, to a world of abuse, exploitation, bonded child labor, sex trafficking, landlessness, illiteracy, dehumanization and disempowerment.

This has been described by Dalit leaders as India's silently sustaining apartheid against its own people based on an evil and sinister grading and classification of society on the basis of birth and the accompanying occupation. This takes away the dignity of human identity and the dignity of labor as labor gets classified into that which is "pure" and "impure". Working with the skin of dead animals for example is an "impure" occupation and consigned to the "untouchables" or "Dalits". You will never see anywhere in India a "brahmin" caste person ever working with the skin of dead animals. Nor will you ever see a "brahmin" caste person ever cleaning the toilets, or even tilling the land because that, too, is the work of the "Dalits".

India's tragedy is that society continues the practice of the caste system even though the practice of untouchability stands abolished by the Constitution. Year after year the statutory ST/SC commission tables its reports in Parliament on the atrocities and discrimination against Dalits but there is no action taken.

One element of restorative justice provided in the Constitution was "reservation", a quota system, for Dalits. If it was not for this we would have not seen any Dalit leadership and intellectuals emerging from those communities in modern day India, leadership that today campaigns for the abolishment of caste.

However in an interesting twist that ended up in blatant discrimination against Dalit Christians, a Presidential order of 1950 provided affirmative action only for Dalits who subscribed to Hinduism and kept the suffering of caste and untouchability. The argument was that since Buddhism, Sikhism, Christianity and Islam did not teach the practice of the caste system, Dalits who had converted to these religions would not receive "affirmative action".

In one stroke, this Presidential ordinance violated the Constitutional provision which states the State will not discriminate on the basis of religion. Again the State became guilty of using "affirmative action" benefits to keep Dalits enchained within the Hindu caste system.

Dalit Sikhs and Dalit Buddhists campaigned long and hard to have the the affirmative action benefits extended to them. Their argument was potent: Caste is a social stigma and an identity that does not vanish when Dalits turn to another religion. Their Dalit stigma goes with them. Dalit discrimination goes with them. Wider society still stigmatizes, oppresses and discriminates against them because they are Dalits. Their socio-economic conditions do not change and the long history of exploitation does not come to an end when they adopt a non-casteist faith.

After a long campaign, both Dalit Sikhs and Dalit Buddhists had the affirmative action benefits restored to them.

But Dalit Christians continued to be oppressed because of the denial of "affirmative action" to them.

As Archbishop Chinnappa of Tamil Nadu, himself a Dalit, points out:

"The usual argument posed against the extension of reservation to Dalit Christians is that there is no caste system in Christianity. This is right. Christianity does not preach any caste discrimination. But the situation in India is different. Our society is based on the caste system. From cradle to grave, caste considerations rule the roost. Dalits of all religions live in the same society ruled by caste values. A change of religion does not alter the socio-economic status of Dalits. The social stigma and ostracism in society continue to haunt them wherever they go. A Dalit is considered untouchable, irrespective of the religious faith he or she may profess. As for atrocities, there is no discrimination between a Hindu Dalit and a Christian Dalit."

Furthermore, the Archbishop, commenting on the Presidential order of 1950 says:

"The Order violates the letter and spirit of many articles of our Constitution. Article 15 says: 'The State shall not discriminate against any citizen only on grounds of religion, race, caste, sex, place of birth or any of them.' But here we see the state itself discriminating on the basis of religion within a given caste group. Article 25 reads: '. . . all persons are equally entitled to freedom of conscience and the right to freely profess, practice and propagate religion.' But the Order denies the freedom of religion to Dalits. In fact, it amounts to forced inducement or allurements by the state by offering constitutional protection and privileges to Dalits in order to stay in a religion and by punishing them by withdrawing the same benefits if they dared to profess a religion of their choice."

A number of Commissions and even the Supreme Court have vindicated the stand taken by Dalit Christians that the change of religion does not change their status and identity in society—it will afford them a way out from a religion that teaches the caste system as something that has come from the creation order of God. One of the Supreme Court's rulings has the following paragraph in it:

". . . to deny [Dalit Christians] the constitutional protection of reservation solely by reason of change of faith or religion is to endanger the very concept of Secularism and the *raison d'être* of reservations." (Art. 271 of the Mandal Case Judgment. Cfr. Page No. 367, Vol. 6. No. 9, Nov. 30, 1992, Judgment Today.)

Now in a recent development due to the filing of a petition in the Supreme Court by a human rights organization and a Dalit Christian lawyer which asks for a review of the Presidential order of 1950 as it violates the fundamental rights of Dalit Christians, the Supreme Court asked for the Government's response to this petition.

The present UPA government once again in a delay tactic asked for more time and announced that it has passed the matter to a commission. On October 18, 2005, this petition comes for hearing again in the Supreme Court by which time the Government of India has to give its answer. The petitioners are asking for a bill in Parliament which will give the same affirmative action as given to other Dalits.

It is simply amazing that nearly 70% of India's 30 million Christians who are Dalits have been denied basic benefits that rightly should be theirs. The All India Christian Council has issued the following appeal to the Government of India, heads of political parties and Members of Parliament. I ask that you include this statement in the record.

In closing, I want to ask that you consider the impact the United States Congress has on the inner workings of India, especially when it comes to an issue as important as religious freedom. Whether or not you agree with the system of reservation, you must agree that denying a constitutional right to a large percentage of the population based solely on religion is illegal and immoral. Your willingness to support the Christian Dalits in this cause will send a message to the rest of the world that the United States supports religious freedom in all countries at all times.

Thank you.

All India Christian Council,
Hyderabad,
India,
August 25th , 2005

APPEAL FOR RESTORATION OF FUNDAMENTAL RIGHTS TO DALIT CHRISTIANS

Christian Dalits continue to suffer for their allegiance to the Christian faith. They are discriminated against both within the Church and outside of the Church. Their rights are trampled upon. Their very existence is one of misery and suffering.

On behalf of all Dalit Christians, the All India Christian Council (aicc) seeks immediate steps to amend the Presidential Constitutional Scheduled Caste Order 1950, Paragraph 3 [Promulgated in the Union of India, Ministry of Law notification No SRO 385 (CO 19) dated 10.08.1950]. This is to see that Christians of Scheduled Caste origin are treated as Schedule Castes for availing themselves of the reservation benefits under Articles 330, 332, 334, 335, 338, 341, 366 (24).

According to the 1991 Census, Dalit Christians constitute about 75 per cent of the total Christian population in India. Yet educationally, culturally and economically, Dalit Christians are treated as people who have no rights and they occupy the lowest position in society.

Realising their plight in the Church and outside, Dr BR Ambedkar had strongly condemned the suppression and oppression of Dalit Christians. Mahatma Gandhi in his newspaper 'Harijan' dated 26.12.1936 supported the cause of Dalit Christians. Even former Deputy Prime Minister Babu Jagjivan Ram openly voiced his concern over their plight and fought for their rights.

The Christian Council therefore seeks necessary steps as per Article 341 (1) to amend the Presidential Constitutional Scheduled Caste Order 1950, paragraph 3. The 1950 Order stands against Articles 15 (2), 16 (2) 29 (2), the Freedom of Religious Act, the Removal of Caste Disabilities Act 1850 and the Hindu Succession Act 1925. The Union of India's high power panel on Minorities, Schedule Castes, Scheduled Tribes and Other Weaker Sections, in its 1983 report observed that earlier disabilities continued for Dalit Christians even after leaving the Hindu fold to the Christian faith.

The National Commission on Minorities has recently recommended the extension of statutory benefits to SC Christians as Schedule Castes. According to the Government of India, Ministry of Welfare, note to the Union Cabinet No 12016/30/90—SCD (R Cell), the Proposal of the Ministry of Welfare has been corroborated as a positive step. Paragraph 26 of the Proposal says:

"Taking these factors into consideration, the Ministry of Welfare proposes that recognition of Scheduled Caste converts to Christianity as Scheduled Castes be accepted. This will require amendment by an Act of Parliament to the relevant provisions of the Constitutional Scheduled Castes Order, 1950."

Paragraph 32 of the Proposal contains the observations made by the Joint Secretary to the Union Government of India: "In the light of the above, the approval of the Cabinet is solicited on the proposal in Para 26 to include Christian converts from the Scheduled Castes as Schedule Castes through amendments to be effected by an Act of Parliament."

It may be recalled when the special reporter on UN Human Rights Commission on Religious Intolerance questioned the prevailing inequality against Dalit Christians of India way back in 1997, the Law Secretary, Union Government, positively acknowledged such a practice. According to Document Ref No E/CN.4/1997/91 Add

1 Dated 14.02.97, "Equality should be given to Dalit Christians by making proper amendment in Parliament."

National Convention of the Parliamentary Forum of SCs and STs passed a resolution on 16-17 June 1992 in New Delhi to extend Scheduled Castes reservation facilities to Dalit Christians. A memorandum signed by about 200 members of Parliament was submitted to then Prime Minister PV Narashimha Rao. A reminder memorandum signed by 54 members of Parliament was submitted to PV Narasimha Rao on 17.08.1993. Another memorandum signed by 325 members of Parliament was submitted to him in May 1995. In all at least 500 MPs signed in one or the other memoranda to the Prime Minister on the issue of extending SC reservation to Dalit Christians.

Various State Governments and Commissions like the Mandal Commission, the Backward Class Commission of Andhra Pradesh, the Kumara Pillai Commission Report in Kerala, the Elayaperumal Commission, the Satananthan Commission, the Chidambaram Commission Report, the Kaka Kalelkar Commission Reports and Union Minorities Commission Reports had recommended to the Central and State Governments to extend SC reservation privileges to Dalit Christians.

The Supreme Court on a number of occasions had clearly given verdicts to support Dalit Christians. The only legislation directly impinging on caste autonomy was the Caste Disabilities Removal Act (Act XXI of 1850 also known as the Freedom of Religious Act), which provided forfeiture of civil or property rights 'by reason of renouncing or having been excluded from the communion of, any religion or being deprived of caste.'

Although Sikhism and Buddhism do not recognise caste system, Dalit Sikhs and Buddhists are given SC Reservation privileges. In the same manner, Tribal Christians are considered as socially backward people and they are treated as Tribals. And no religion is referred to while giving privileges to Tribal Christians. In the same manner Dalit Christians may be extended Scheduled Caste reservation privileges.

In 1997 the United Nations High Commissioner for Human Rights published a Letter Document Ref No E / CN 4 / 1997 / 91 / Add I dated 14.02.1997 on religious intolerance prevailing in India. As a written reply, the Union of India's secretary had agreed to solve the injustice done to Dalit Christians by giving them equal Scheduled Caste privileges through necessary legislations. The above document from the law secretary is cogent authoritative testimonial evidence from the Central Government.

All these, prime facie, are evidences to substantiate the stand taken by the Christian Council. Even in Parliament, Union Ministers had given positive assurances on umpteen occasions. According to the Parliamentary Assurances Committee's rules and regulations, the assurances are the positive cogent authoritative evidences to prove Dalit Christians' social, educational, economical and cultural backwardness.

On behalf of the suffering Dalit Christians, aicc seeks immediate measures to end the ill-treatment meted out to Dalit Christians and see that they are treated as people of Scheduled Caste origin, enjoying all the benefits reserved for the Scheduled Castes.

Signed:

DR JOSEPH D'SOUZA, *President,*
All India Christian Council

Mr. SMITH. Dr. D'Souza, thank you so very much for your testimony and the appeal that you mentioned will be made a part of the record, so thank you for that. Mr. Kumar?

**STATEMENT OF MR. T. KUMAR, ADVOCACY DIRECTOR, ASIA
AND PACIFIC, AMNESTY INTERNATIONAL**

Mr. KUMAR. Thank you very much, Mr. Chairman and Members of Congress. Amnesty International is extremely pleased that you are taking a leadership on this issue which is being forgotten in the large part, not only internationally, but even inside India. With the exception of a few activists, it has been sidelined.

So on that note, we would like to congratulate the Congress for taking the lead and Chairman, in particular, yourself, for shining the light on this sad situation in India.

I would like to summarize what was said earlier here. In a nutshell, Hinduism, which has been practiced for thousands of years, has different castes designated from top to bottom. There is one particular group of people who were moved outside the caste system, because of the nature of the jobs they do, very menial, down-trodden jobs. They have been called untouchables.

The sad reality is they are not allowed, they were not allowed to go into temples or any social interaction, so they were pretty much kept outside of the social structure. And the Hindu religion basically sanctioned that. During the British time, there were moves to rectify that, but as any colonial power, they were not interested in solving the social issues, they were interested in holding the country together.

So after the Independence, because of quite a few Dalit leaders, including Dr. Ambedkar who himself was one of the famous freedom fighters, the Indian Constitution had a special provision abolishing untouchability and to give special protection to Dalits, the so-called untouchables.

There is a remarkable challenge that took place more than 56 years ago. In that context, they opened up 16.5 percent at that time, of the basic population, to members of Parliament, including all the way from top to bottom, to Dalit population. Education and employment was also reserved.

But all these things, after 50 years, never really changed in a meaningful way, the suffering the Dalits are undergoing there, that is the key that we have to look into. They have been humiliated, abused, basically, with impunity. Dalit women suffer double discrimination being women on one side and Dalit being the other side. Women have been gang raped, brutalized, paraded naked as a form of humiliation, to punish the community when they try to voice their anger over the system or the male relatives.

Men also fear gruesome abuses, torture, killing, death in custody and all the rest of it. There are two reasons for this. Number one, the power of the community, the landowners, are always upper-caste, so that is one of the root causes. The powerless, economic power rests there, and also political power, despite the fact there are 16.5 percent quota being given for political in the Parliament and all the way to the municipality and the village councils. The power still stood with the higher-caste people. And it trickled down to the police, so police also took sides. So they work with the bad landlords in the form of abusing, destroying the houses, burning the houses and also looking the other way when Dalits tried to complain and tried to find justice for injustice that has happened against them.

As I mentioned earlier, the Constitution provided protection. Then there were certain laws that were passed specifically to protect Dalits against humiliation, parading naked women, parading women naked, raping, burning houses. All these were lumped together in a particular law that has very severe punishment. So how the police do it, they don't register these cases under those laws. They will register those cases under different laws, so that the punishment will be much less. And also, they will go after the Dalit community, using different laws, particularly the national security laws, to go after the Dalits and lock them up.

At that point, Mr. Chairman, I would like to bring one issue to your attention. The U.S. Administration unfortunately closes its eyes when other countries say this is war on terror. And war on terror laws have been used against Dalits. That shows it is being abused by the Indian Government to marginalize and to punish a particular community which has already been abused and marginalized. So not only abusers go scot free, the people who have been abused have been charged under all these gruesome laws.

The ineffectiveness of this impunity aspect is the root cause as far as Amnesty is concerned. If anything has to be changed, the laws and the police should take into action. That also forces other practices in India.

In Gujarat, I am sure you are aware, Mr. Chairman, a couple of years ago, thousands of Muslims were killed because they were Muslims and women were burnt alive, raped, because they were Muslims. Very few, if any, were brought to justice. The impunity existed because they were Muslims at that stage. Impunity is existing because there are Dalits in other states and across India, that is the bottom line. Impunity should be part and parcel of the United States' relationship with India, whenever they talk to them. Other than that, India can also make the next step because of a globalization that is happening now. Because these seeds, the job quota, 16.5 percent quota, is only for government services, because of globalization, private enterprises, including U.S. businesses, that does not extend there.

So as a next step, India can pass legislation saying that the current quota for employment should also extend to private enterprises. That should be done and that can be done from the U.S. also in terms of appealing, and also, U.S. businesses on their own adapting that policy, rather than waiting for government to say. That would be a breakthrough if U.S. businesses can move forward.

The other one is USAID-funded projects. Again, the language can be inserted that there should be nondiscrimination in any of these funds being disseminated as to the 16.5 percent quota should be looked at for any jobs that are being given under these USAID-funded projects.

Lastly is the World Bank projects. Recently, I heard \$3 billion or \$4 billion was given and, you know, the Chairman is Wolfowitz, you know, he was one of the main leaders of the U.S. Administration at one point. He can take the lead through U.S. Administration's interference in initiating some focal condition to these \$4 billion that was given to India, to make sure that at least 16.5 percent of the job quota is Dalits.

Finally, in terms of the religious issue, one issue was not mentioned, so I thought it was my responsibility. Christians have been left out. Of course, Buddhists and Sikhs were left out, but they were brought in in 1990. But Muslims have been completely left out, so when the quotas have been brought in, it is important that Dalits who convert to Islam also share and get the same benefits like the other religious groups.

Thank you, again, Chairman, for inviting us and also congratulating you and other Members of Congress who have taken the lead on this particular issue. Thanks.

[The prepared statement of Mr. Kumar follows:]

PREPARED STATEMENT OF MR. T. KUMAR, ADVOCACY DIRECTOR, ASIA AND PACIFIC,
AMNESTY INTERNATIONAL

Thank you Mr. Chairman, and distinguished members of this committee. Amnesty International is pleased to testify at this hearing. We are here today to discuss a great injustice, an injustice based on discrimination not on the sole basis of colour, or gender, but on the basis of descent. In India today, nearly 200 million people known as *dalits*, (also known as “untouchables,” or “scheduled castes,”) are faced with socioeconomic discrimination, abuse, torture, and even death simply because of the family into which they were born.

This arrangement has been called India’s “hidden apartheid”, and rightfully so, for despite specific legal provisions against such discrimination in the Indian constitution and subsequent laws, intense persecution remains. The groundwork exists for India to institute lasting and substantive change. The Indian government should take meaningful steps to enforce existing legislation, and to explore other avenues of addressing this sad situation. The United States, as one of India’s trading partners and allies, must encourage India to take firm action.

WHO ARE DALITS?

India’s caste system involves a social hierarchy and is often understood to be a feature of Hinduism. Individuals are considered to be born into a particular caste and remain in that caste throughout their lives. Broad caste categories (*varnas*) separate caste groups according to occupation (although mobility between occupations does not lead to changes in caste identity). Outside these caste categories are the “untouchables”, now commonly known as *dalits* whose occupations—sweepers, tanners, sanitation workers, etc—were viewed as “polluting” the community.

Untouchability of *dalits* continues to be practiced in India in many forms, reinforcing an iniquitous social hierarchy and allowing for the continuing disempowerment and humiliation of millions of people.

HOW ARE DALITS DISCRIMINATED AGAINST?

Localities housing *dalits* are often segregated from those housing non-*dalits*, a segregation which often extends to the provision of separate wells, eating places and temples and restrictions on the use of land to defecate. Many are agricultural laborers—estimates suggest that at least two thirds of the bonded laborers in India are *dalits*—while *dalit* women, and often children, dominate certain spheres of work, such as civic sanitation, scavenging and leatherwork (including the flaying and tanning of carcasses).

In most parts of the country, *dalits* have a proportionately small share in agricultural landholding, despite the allocation of government land. *Dalits* also do not have proper access to schools which accounts for high illiteracy rates and serves as a basis for increased discrimination. Additionally, *dalits* are routinely subjected to beatings, mutilation, murder, rape, and destruction of property by members of the upper-castes and the police, a culture of impunity ensures that most of the perpetrators go unpunished.

ABUSES COMMITTED AGAINST DALITS

Abuses against *dalits* are numerous and take many different forms, they include (but are not limited to):

- Socioeconomic discrimination
- Beatings, slashings, and other forms of torture
- Arson—the burning of *dalit* communities
- Violence against women
 - Rape, gang rape, and the parading of women through the streets naked
 - As a form of punishment
 - As the right of the upper-caste male
 - To punish or embarrass the woman’s family
 - Beating and torture of women
- Summary execution, many times by burning alive
- Bonded labor
- Denial of rights, especially land rights
- Police abuses against *dalits*, custodial abuse

EFFORTS TO ADDRESS ABUSES AGAINST DALITS

Article 17 of the Constitution of India states that the practice of “untouchability” is abolished and forbidden. Despite this prohibition, “untouchability” continues to be practised in India in many forms. Additionally, lower caste groups are ensured reservations in political bodies as well as public sector employment. Various other protective mechanisms have been put in place by the state to ensure rights for *dalits*. Legislation to criminalize abuses against Scheduled Castes and Scheduled Tribes began with the 1955 Protection of Civil Rights Act.

This Act was enhanced by the enactment of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in 1989 and Rules of 1995 which extended the scope of abuses which were criminalized and provided for graver penalties. Within the latter Act there are penalties for police acting negligently. Other extant legislation includes protection of the land rights of scheduled castes as well as legislation outlawing traditional abusive practices including “manual scavenging” (the manual disposal of human waste by *dalits*). However, most of these measures are not enforced.

AMNESTY INTERNATIONAL’S CONCERNS

Amnesty International recognizes the huge challenge that the socio-economic situation in India presents for the state and the country as a whole. However with legislation designed to safeguard the rights of *dalits* in existence, and with constitutional guarantees for the abolition of “untouchability” and prohibition of discrimination on the basis of caste, Amnesty International believes the Government of India must respond to abuses against *dalits* with a powerful message—not just through rhetoric but in practice—that those who strive for equality will not be punished but that the state will find ways of supporting their initiatives.

Amnesty International is especially concerned about the following: police action, denial of justice, impunity, torture, violence against women, persecution of human rights defenders, *dalits* under sentence of death, and violence against pro-dalit and *dalit* activists.

POLICE: A SOLUTION OR A PROBLEM?

Amnesty International believes that the current policing structure encourages discrimination by allowing police to act at the behest of particular powerful groups rather than to act lawfully in the interests of society as a whole and by encouraging arrest on the basis of suspicion rather than on investigation and evidence. In practice also, the failure to prosecute many unlawful activities of the police and the problems of victims in accessing justice mean that discriminatory practices are perpetuated.

The prevalence of political interference in policing by powerful individuals and groups, ensures that the most socially and economically weak members of society are most vulnerable to abuses including torture and ill-treatment by police at the behest of those groups. Victims have nowhere to turn but to the police to enforce laws designed to end discrimination. But the police are not equipped or willing to do so. It is an enduring problem which can no longer be overlooked.

HURDLES TO DALITS SEEKING JUSTICE

In practice, there are numerous hurdles to *dalits* seeking justice. Section 21 of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act imposes positive duties on state and central governments to ensure proper implementation of the Act. These include the provision of legal aid and travel expenses for witnesses and victims attending trials. It states that many offences are “non-bailable” and do not allow for anticipatory bail, therefore protecting victims from possible reprisals. However, the reality has been very different. In many cases cognizance is not taken of abuses. When cases are reported they are often not filed under the Act as police are under pressure from the perpetrators who are aware of the graver penalties for offences under the Act.

Furthermore, *dalit* activists are frequently charged under the National Security Act, the Indian Explosives Act and sections of the Indian Penal Code. There have also been several cases of police harassment of NGO activists, ranging from periodic police visits, to arrest and charges of aiding and abetting in various crimes or interfering in police investigations. These findings were borne out in discussions which Amnesty International held with human rights defenders during 1999.

IMPUNITY: AN EXAMPLE

Gaje Singh, a 39-year-old tailor and member of the *dalit* community in Nayagaon, Ropar District, was allegedly assaulted by police on October 17, 2001. Several officers of the 37 Battalion of the national Central Reserve Police Force (CRPF) attacked the village in reprisal after an officer was allegedly beaten up by Gaje Singh and his neighbors in a personal dispute over the money charged for some work. After meeting resistance, CRPF officers in uniform and armed with service weapons returned to the village at about 8pm, ransacked several shops and beat Gaje Singh with iron rods, rifle butts and sticks. A handicapped shopkeeper, Darshan Singh, and his 78-year-old mother, Satpal Kaur, were also beaten with iron rods. Gaje Singh suffered serious injuries to his head, chest and feet. Darshan Singh's right arm was broken and his mother suffered injuries to her back. Three officers of the regular police who were in the vicinity did not intervene during the attack, nor did any police officer help the injured.

Gaje Singh filed a complaint at Nayagaon police station and the Punjab police registered a criminal case for minor offences against four CRPF officers. However, no arrests were made. To initiate criminal prosecution against officers of a central security force, permission from the Union government needs to be obtained, but Punjab Police did not take any steps to seek such permission. A senior CRPF officer assured a lawyers organization monitoring the case that disciplinary action would be taken against the officers and that they would be asked to pay the victims medical expenses. He also suspended three of the officers involved in the attack and acknowledged that it was a blatant case of "police highhandedness". Police officers subsequently tried to convince the victims to settle the matter out of court by offering them some money, but the offer was reportedly not accepted. No formal charges were brought against the officers concerned and the fate of the disciplinary action initiated by the CRPF is unknown. The victims are finding it difficult to obtain the money needed to take their complaint further to the Punjab Human Rights Commission and are under pressure from other villagers to drop legal proceedings.

TORTURE AND VIOLENT ABUSE

Amnesty International is concerned that *dalits* are particularly vulnerable to torture and ill-treatment and that there is evidence of discrimination within the police system. Cruel, inhuman or degrading treatment sometimes amounting to torture is particularly common in this context. Physical and verbal abuse and intimidation of individuals by police on the basis of their caste, ethnicity, religion or gender is commonplace not only for detainees but also for those who visit the police station to make a complaint.

Amnesty International is also aware of many incidents in which police have reportedly beaten members of the *dalit* community, including women, following requests by members of upper caste communities that they be punished. *Dalit* women are particularly vulnerable to sexual torture by law enforcement officials, often as a means of punishing male relatives or "teaching their community a lesson". The failure of police to register complaints of violence against *dalits* or *adivasis* (tribal groups) or to pursue investigations under legislation specially designed to protect members of these groups—the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act, 1989—has also been well documented.

Torture and abuse against *dalits* by upper-caste members are also extremely common. For example, in May 1999 it was reported that a young widow named Chunni was tied to a tree and brutally beaten on the orders of the *panchayat* (local village council, which included seven women) for failing to prevent the deaths of livestock in Amara village of Banda district in Uttar Pradesh. She was reportedly hung upside down, her genitals stuffed with chili powder and thrashed with lathis (batons). She died of her injuries. Villagers told police she had committed suicide. All 13 *panchayat* members were arrested and charged with murder.

In another incident, an elderly *dalit* man recalled how his wife, daughter and two sons were burned alive, along with three others, when members of a dominant Hindu upper caste set fire to three huts belonging to *dalit* families. His eldest son, the first graduate from the village, also had been murdered two years earlier by caste Hindus. All the *dalits* in the village had fled and none wanted to return home as they believed the police would not protect them. Examples of this nature abound, it is estimated that a *dalit* woman is raped every sixty hours and a *dalit* is murdered every nine days.

VIOLENCE AGAINST DALIT WOMEN: A DOUBLE DISCRIMINATION

Amnesty International saw evidence of the intersection of gender inequality and other forms of discrimination throughout its visit to areas of Uttar Pradesh and Rajasthan. The concept of gender equality continues to be alien to many communities and many state institutions particularly at the local level. In the areas of Uttar Pradesh and Rajasthan visited, caste and land rights are crucial factors which impact on political, social and economic relationships.

In Uttar Pradesh political parties representing *dalit* and lower-caste communities have played a role in recent years in empowering some of these groups in certain areas. While it is difficult to generalize about a situation in which caste groups and relationships between them are extremely complex, groups such as *dalits*, *adivasis* "backward castes" and others continue to be most socially and economically vulnerable as a result of lack of access to land ownership and meaningful political participation.

Estimates suggest that at least two thirds of the bonded laborers in India are *dalits* and that over half the *dalit* workforce are landless agricultural laborers. Sixty-six per cent of all women agricultural laborers are *dalits* earning between Rs.8–25 [\$0.17–0.54] per day.

Placed within the context of both gender and caste discrimination, more often than not inhabiting rural areas of severe impoverishment, *dalit* women become an easy target for exploitation and violence. Given that women embody the concept of honor, violence against women becomes a symbolic gesture of exploitation and discrimination within *dalit* communities. Thus, sexual harassment by landowners, moneylenders and their hired thugs is common.

Rape, gang rape, parading of women through the streets naked, and beatings are common actions taken against women and girls by both the police and members of the upper-castes. Reasons for these practices vary from using violent means of punishment, to viewing sexual relations with *dalit* women as their caste right, to using sexual torture as a means of embarrassing and punishing the woman's family.

VIOLENCE AGAINST DALIT WOMEN: A CASE STUDY

Violence against women is also connected to many different issues of caste relations such as land rights. The story of Ram Chandra and his wife, Ramvathi, perfectly illustrates this fact. Ram Chandra, a *dalit* living in Munni Khera was married to Ramvathi and they owned a piece of land on which they had a house. Upper caste villagers were trying to take the land from them and Ram Chandra and Ramvathi had objected to this.

In September 1998, Ramvathi was gang-raped by five men. Higher caste villagers are believed to have raped her as a means of isolating her and her husband within the village and the *dalit* community because of the stigma attached to rape and to punish them for refusing to give up their land.

After the rape, Ram Chandra went to the Hassanganj police station to lodge a complaint. However, police refused to lodge a First Information Report (FIR). There are allegations that police took money from one of the accused. The couple were constantly threatened by influential people in the village and their house was attacked. Ram Chandra finally made an application to the Superintendent of Police of Unnao district concerning the rape and the failure of the police to lodge an FIR. However, despite the Superintendent of Police ordering that the incident should be investigated (no action was taken against police for refusing to lodge an FIR) local police again managed to ensure that the incident was not investigated. Finally under severe pressure, the couple moved to Ramvathi's parent's village some distance away.

They returned to the village on January 30, 1999, reportedly determined to reclaim their property. They were met by three men, who were soon joined by others, armed with sticks and axes. Ram Chandra sent his wife to the house, fearing violence. He was then beaten by around 17 men with sticks. His left leg and left hand were broken. When he started screaming, Ramvathi and several other women came to find out what was happening. Ram Chandra described what happened next:

"They attacked my wife with stick, she fell down then and there. After that my wife came to me and laid over my body to save me, then they had beaten my wife with sticks and axes. She got deep injuries on the head and shoulder and her right hand and leg broken. [one of the attackers] put off all the clothes of my wife, raped her and inserted and pushed the stick in her private part".

The attackers left Ramvathi for dead and ran away. Ram Chandra and his wife were taken to the district hospital where Ramvathi died the next morning.

When, on the next day, activists approached the Superintendent of Police about the incident, which had been reported in the media, he reportedly denied that the incident had occurred and said that the media had exaggerated the facts. Activists

went to the village to investigate but villagers were too scared to speak about it. They found Ramvathi's husband in the district hospital. He could only move his neck because he had been beaten so badly. He had not even been told that his wife had died.

Finally, many women don't approach police for fear of dishonor or that they will be dismissed or further abused. An activist working with *dalit* women in Uttar Pradesh estimated that only 5% of cases of violence against women are registered. Many *dalits* are not aware of their rights under special legislation designed to protect them, and it is rare for police to voluntarily inform them.

PERSECUTION OF HUMAN RIGHTS DEFENDERS

Human rights defenders from outside areas where caste-based abuses have occurred who attempt to highlight those abuses and put pressure on the authorities to take remedial action are sometimes themselves made the subject of harassment by the state. This has reportedly included banishment from particular areas under Section 10 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 which provides for "removal of person likely to commit offence".

Amnesty International is concerned at apparent attempts by the state to limit the work of human rights defenders in internationalizing the issue of discrimination against *dalits*. The Government of India has explicitly stated that the issue of caste discrimination does not fall within the remit of the International Convention on the Elimination of All Forms of Racial Discrimination which India ratified in 1968. At the hearing of India's report to the Committee on the Elimination of All Forms of Racial Discrimination in September 1996, the Committee explicitly affirmed that "the situation of the scheduled castes and scheduled tribes falls within the scope of the Convention" and expressed great concern that India had failed to reconsider its position on this (CERD/C/304/Add.13).

DALITS AND THE DEATH PENALTY: AN EXAMPLE

Four *dalit* men were sentenced to death in 2002 in Bihar state. Their appeal was rejected in December that year, despite concerns that they had not received a fair trial. They were convicted in February 1992 for the killing of 35 members of an upper-caste armed group in Bihar state. They were convicted of a "terrorist act" under the now lapsed 1987 Terrorist and Disruptive Activities (Prevention) Act (TADA Act), which gave police sweeping powers to arrest and detain without trial under the Act's vague and imprecise provisions. It was used to arrest, among others, members of vulnerable groups. Amnesty International is concerned that the men's trial fell short of international fair trial standards.

DALIT COMMUNITY AWARENESS AND ACTIVISM

One positive development has been the increased social awareness and activism among *dalit* communities. A growing awareness of rights amongst these communities, demands for social and political equality and an unwillingness not only to allow such abusive practices to continue but to be a silent witness to the apathy of the administration, has led many *dalits* and others to take active steps to defend those rights.

However, the growing assertion of *dalit* human rights which necessarily challenges existing power groups, be it landlords, employers or even so-called "backward castes", has met with violent reaction in some quarters. In 1998, the *Times of India* reported that the annual report of the National Commission for Scheduled Castes and Scheduled Tribes which was presented to the President had referred to frequent caste clashes erupting in Uttar Pradesh, Bihar and Tamil Nadu, stating "Whenever the *Dalits* have tried to organise themselves or assert their rights, there has been a backlash from the feudal lords resulting in mass killings of the *Dalits*, gang rapes, looting and arson" *Times of India*, (Times of India, February 10, 1998).

CONCLUSION

In conclusion, it is the responsibility of the Indian government to fully enact and apply its legal provisions against discrimination on the basis of caste and descent. It must take concrete action to reign in groups who discriminate against *dalits*, including the police. The culture of impunity must end, and the perpetrators must be brought to justice. Until India's "hidden apartheid" is truly and completely abolished, the world's largest democracy cannot hope to make truly substantive progress towards liberty for all.

RECOMMENDATIONS

Amnesty International calls on the United States government to:

1. Encourage India to adopt the recommendations outlined above and use every opportunity to raise the problem of caste discrimination and violence both publicly—at international meetings, congressional hearings, and in press conferences—and privately, at Consultative Group meetings and in meetings with relevant officials.
2. Encourage American owned business in India to establish a quota system, similar to the Indian government's, which ensures the setting aside of jobs for qualified *dalits*, especially women.
3. U.S. government funded projects in India should also establish quotas to encourage the hiring *dalit* workers.

The U.S. government should instruct its officials at the World Bank and other similar institutions to ensure that funds allocated to projects in India are non-discriminatory and include a quota for *dalits*.

Amnesty International calls on the government of India to:

1. Take steps through public education and other means to ensure societal and attitudinal changes amongst the population towards the human rights of *dalits*. These should include incorporating changes in school curricula to create attitudes which would help combat violence against *dalits* and to guard against reinforcing caste stereotypes, and training teachers to ensure non-discriminatory approaches to education.
2. Adopt all appropriate measures, especially in the field of education, so as to instill values which will prevent caste-based violence and discrimination. These should include ensuring that schools provide a safe environment void of caste-based violence.
3. Place the elimination of caste-based violence on the agenda of *Panchayats* and other organs of government down to the lowest levels throughout the country. Ensure that knowledge of legal rights and various laws related to scheduled castes and scheduled tribes feature in any training program for newly elected *Panchayat* members as well as *Sarpanches*, *Upsarpanches*, *Gram Sevaks* and others and involve non-governmental organizations in such training.
4. Invite the Special Rapporteur on Torture to investigate patterns of violence against *dalits*.
5. Ensure implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules of 1995 and take action against officials who have failed to implement the Act and its Rules.
6. Implement existing legal sanctions against police officers found responsible for illegal actions based on discrimination and initiate disciplinary action against police officers found to have acted in a discriminatory manner towards individuals.
7. All police stations should hold and display in regional languages copies of relevant legislation enacted to protect certain vulnerable groups from violence and abuse.
8. Incidents of torture and other human rights violations should be carefully monitored with a view to determining correlation of their occurrence with victims belonging to certain categories in society. Statistics should be published and steps taken to provide special protection on the basis of this information. Monitoring mechanisms should involve the statutory commissions established to protect particular groups in society as well as non-governmental bodies and individuals who come from or represent these groups in society.

Thank you for inviting Amnesty International to this important hearing.

Mr. SMITH. Mr. Kumar, thank you. Like many colleagues of mine, we deeply appreciate the work that Amnesty does, not just in India but throughout the world. So, I am very grateful for your work personally and for the organization.

Let me ask a couple of questions and Dr. Raj, Mr. Kumar and Profession Ilaiyah, you might want to touch on this. You ended, Mr.

Kumar, with the need for the IMF and the World Bank to include some kind of linkage to hiring those who have been left out traditionally. It seems to me that that has not happened is an egregious oversight, and this Committee will endeavor to find out why and see if there is something that can be done there.

Let me just ask you if there is, when it comes to United States corporations in India, anything akin to the McBride principles that had application in Northern Ireland with the Catholics who were left out, or the Sullivan principles in South Africa that had application with Black Africans being left out in South Africa? Is there anything like that for Dalits that you know of with any U.S. corporation? Are there any U.S. corporations that are taking a lead to try to employ and franchise those who have been left out?

Mr. ILAIAH. After the caste and Dalit question became slightly globalized, Ford Foundation has taken a small initiative of giving about 400 scholarships to Dalits and tribals. But for that, the huge corporate money that is coming into India, industries, for example, locomotive industry, computer outsourcing, nowhere Dalits and the lower-castes get any share in the economy.

Mr. SMITH. And you would all agree with that?

Mr. D'SOUZA. We are not aware of any of this principle being applied. Our sense is that it has not happened and that it needs to be encouraged.

Mr. KUMAR. Yes, Mr. Chairman, as I mentioned earlier, it should be addressed from two fronts. One is India itself should pass laws to extend the system to private enterprise. That is the best way, because not only addressing the United States corporations, but any businesses and local private businesses. You know, Indians owning businesses will have a legal obligation to hire the Dalits into their work force. And the U.S. can take a lead. If one corporation or two corporations can take a lead, symbolically, saying that here we are aware and here the government itself has a quota. So we would like to reach out and train, if they are not, you know, because of the historical injustice or whatever, if they are not up to the computers or whatever, they should also initiate some form of training and bring them in, because that is the best method United States corporations and the United States Government can give to Indians. In general, not only to the Dalit population that you care about the country, you care about the population. Thanks.

Mr. RAJ. Mr. Chairman, what you would be surprised to know that in government documents, the list of journalists. Last year, government offered the list of journalists, about 800 journalists, out of which there was not a single Dalit journalist.

Similarly, the situation in the film industry. Not a single industrialist is there from the Dalit community. In the financial sector, share market, nowhere, except where there is reservation. Amazing.

So what I would request of you that in Indo/U.S. relation, if these things are kept in the background when negotiated. Whatever United States interests there are in India, of course, relationship between these two, it will work perfectly in harmony and there will not be a disturbance at whatever country, some continents, are facing a lot of disturbances.

Mr. SMITH. Thank you. Ms. Athwale, if I could ask if you or anyone else would want to comment on the trafficking issue? As I indicated earlier, I am one of those who believe that India should have been placed on Tier 3, especially given the fact that so many girls are trafficked inside the borders of the country. To me, it is almost like the difference between a refugee and an IDP. Internally displaced persons often have just as hard a time as someone who is a refugee who goes across a border.

If a young girl or a Dalit is trafficked or sold into slavery, it does not matter one whit if she goes across a border or is grievously offended and humiliated and hurt, it is occurring within the borders of India. As a matter of fact, the *Trafficking in Persons Report* points out that internal trafficking is widespread in India. We have had hearings in the past where we have heard from Indian women who have testified about the brutality and the absolutely inhumane treatment they have suffered. We even had a hearing of the International Rescue Committee, and had a video of young girls who were coming out of a cellar where they had been held awaiting their exploitation. It was a very disturbing video piece.

But my question is a couple-fold. According to the National Human Rights Commission Report, traffickers usually target minors and Dalit women. In one study of 173 women who were victims of the sex trade, 85 percent were minors and half were Dalits. My question is, has the government responded to the trafficking of Dalits? Oxfam has found that the sexual slavery of Dalit girls and women continues to receive religious sanction, and that is baffling to me and maybe you can shed some light on that.

It is strange, indeed, that Dalits are—it is a paradox—are shunned, and yet when it comes to abusing and raping them, and when they are wanted only for their utility rather than their innate goodness and worth, they are indeed subjected to this kind of exploitation.

If I could also ask you, if you would comment on this, the whole issue of missing girls. You know, last year the People's Republic of China, where there may be as many as 100 million missing girls because of their one-child-per-couple policy, forced abortion, and sex-selection abortions, especially infanticide. Unfortunately, India is also there in large numbers of girls who are missing. Missing because they have been killed either by dismemberment or chemical poisoning as a result of an abortion.

My question is, what is the government doing to stop that outrage, where the most pernicious form of discrimination, it seems to me, the most outrageous, is when a young girl is targeted in her most vulnerable stage, simply because she is a girl, and then killed by abortion. The net result is that we have all of these missing girls and it is a blight, I think, on the nation of India that this is occurring. If you could speak to the missing girls issue, as well.

Ms. ATHWALE. Thank you for showing such a keen interest, Mr. Chairman. Judicially our government is really practicing castism there. So if a woman is elected to a poor-caste, then she can hope to get justice done. But as the Dalit women are forced to trafficking or Dalit women are raped, the person, rapist, is not punished at all. So it all depends upon the power, money and upper-caste connections.

Mr. SMITH. Would any other witnesses like to speak to that issue?

Mr. RAJ. I think that she has talked about this already. In 2000 there is a committee on the welfare of the Shudra tribe that is, Shudra tribe is a name for Dalits in the Constitution. The group of castes, they are considered castes of a type. Thirty one members of Parliament in India, they laid down their report in 2000, in which they held that the Supreme Court was, practicing untouchability and then the Supreme Court was, and that report it is still there.

When our matters have been tried in the courts, their, of course, mindset is working, so justice has not been delivered to us there also. Even judicially also is partially in our case.

Mr. SMITH. Yes?

Mr. D'SOUZA. Commenting on Ms. Athwale's statement just now, the girl trafficking and infanticide of the female child has now become a monumental social problem. Because you have Indian States where there are just not enough women for the men and it is leading to further abuse, rape and is creating social chaos. State after state now has a percentage where the women have declined. And there is no mechanism as of now, no governmental action on how we should deal with this monumental problem.

So people are watching the male/female ratio and the millions of female babies that are bought or are killed and are not brought into the world, mainly because of their condition. This problem is not only a Dalit problem, but is a problem that affects all of the castes because of the view the caste system itself holds of all women. This is a serious problem that is affecting, and many of the persons that are concerned about our society are very concerned about this development in India.

Mr. RAJ. Mr. Chairman, I give an example 3 years before, when five Dalits were taking leather to sell in the market. Rumors had spread that they had killed a cow and they were attacked and five Dalits were killed for the cow carcass. That happened in Haryana, and last month, there is a district, namely Sonipat in Haryana and the place is Gohana. I have that right here. I would like to give you and if you have time, please read. About 50 houses of Dalits were burned and 2,000 Dalits fled and that was quite near to Delhi; 70 kilometers just away from Delhi. So the Gohana incident essentially got the attention of the world about how they have been victimized. Haryana has become now the place where most of the Dalit atrocities are taking place.

Mr. ILAIAH. Mr. Chairman, I just wanted to say one thing about the trafficking. The question of women profiting as doubly improper. One is there is a spiritual sanction. We have a huge temple prostitution, which is not normally taken into the definition of women profiting. And there is this poverty ridden women being forced into prostitution in urban areas, slums, and selling the body. Third, a huge number of women and girls selling and killing.

Now the government as of now, they do not have anything concrete in the shape to check this Buddha temple prostitution and the regular trafficking.

Secondly, Mr. Chairman, the problem is so huge. In my view, unless an agency like the United Nations or the United States works

out and really means to send certain financial resources to rehabilitate huge numbers of children sold and prostitutes employed into destitute conditions. I will give you one example.

Recently, the government banned dancing by the prostitutes in bars in a huge city called Bombay. And as a result, hundreds of thousands of women now are jobless and foodless, starving on the pyramids. So the government has nothing concrete out there to really give them shelter, alternative, and requires global attention.

Mr. SMITH. Just let me conclude my questions by first of all saying thank you for your incredible candor. I mean, monumental social problems, when you talk about this gender inequality in terms of numbers, not just in discrimination, but in numbers, I do believe that sex-selection abortion is a crime against females and a crime against women. And regrettably, it is being used with impunity in India.

The temple prostitute issue is not really appreciated, I do not think, in America, in terms of numbers, scope and the mistreatment of these young women. Let me just ask Dr. D'Souza, if I could, when it comes to the harassment of Dalits and tribal peoples who convert to Christianity: Has that diminished, has the government stepped up to try to protect those who are discriminated against? The issue of anticonversion laws, where is that, and finally, just let me ask the question. You know, the Human Rights Commission, which has come under a lot of criticism at the UN—the annual meeting that occurs in Geneva—because of what it leaves out and because many of those who sit in judgement of other nations are gross offenders of human rights themselves, is in the process of being reformed. The Human Rights Council, which we hope will emerge, will hopefully become a real genuine effort at bringing light and scrutiny to human rights abuses wherever they occur.

And it seems to me and I have followed this, I think, very closely, I do not recall India getting the kind of scrutiny for its caste system and the Dalits for the discrimination that they suffer at the Human Rights Commission in the past. And I think that needs to be an agenda item of the highest order. You know, countries like Israel get their own category of scrutiny. Sudan gets some scrutiny, and some of the other nations, Zimbabwe, China, from time to time. But India, to the best of my knowledge, especially as it relates to the caste system and the Dalits, has not. So, I think that is an area we need to put some very serious effort and push to end this systematized discrimination that leads to terrible, horrific consequences. But if you could speak to that, if you would?

Mr. D'SOUZA. Thank you, Mr. Chairman. I think we all agree here that the freedom of conscience is the most basic of all freedoms and it is a freedom on which all other freedoms impinge.

And in India, in recent years, especially when the extreme Indo elements came to power, they went after freedom of religion and freedom of conscience with a vengeance, knowing that if they can attack freedom of conscience and freedom of religion, then their agenda of maintaining caste monopoly will go on forever.

Mr. SMITH. Dr. D'Souza, if you could just suspend for one brief moment; there is a Wisenthal bill that I have to manage on the

Floor. I will go and come right back, but Tom Tancredo will take the Chair and our next speaker will be Ms. Lee.

Mr. D'SOUZA. Thank you.

Mr. SMITH. I will look forward to reading your comments as soon as I return.

Mr. D'SOUZA. Thank you, Congressman.

Mr. TANCREDO [presiding]. Mr. D'Souza, it is a pleasure, as always, to see you and please proceed.

Mr. D'SOUZA. I was saying that the freedom of conscience is a fundamental freedom given to all human beings and also on the United Nations Charter of Human Rights and the attack, the deliberate attack on freedom of conscience and freedom of religion was inspired and instigated and driven by those who subscribe to the castist order in India, especially the right wing Hindu movement and the sanitary war. The state, ever since the new government has come, we do not fear major upheaval at the center. But at the local level, Mr. Chairman, the attack on freedom of religion continues. Violence against Christians is not on the decrease, it is on the increase. And violence in states like Rajasthan has reached serious proportions. Right now, the Government of Rajasthan which is, again, another BJP local government, is drafting and crafting another anticonversion bill. And targeted in this bill, just like the Ghorjarab anticonversion bill are the Dalits and the tribals. We have been saying for nearly 30, 35 years, that the anticonversion bills and the movement of anticonversion attack on the freedom of religion has nothing to do with Christians, but it has to do with the Dalits, the tribals and the oppressed.

The government was the first government to come out into the open and mention Dalits and tribals and what happens when a Dalit decides to choose another faith. The Rajasthan Government, ministers in the government, have gone on the record saying they will model their freedom of religion based on the Ghorjarab bill. What does that mean? That if a Dalit decides to say, "I change my religion," his conversion experience, which is a matter of individual, personal hard conscience decision, will have to be authenticated by a government magistrate. And those who are engaged in this will be fined a huge amount of money. The Dalit will be fined a huge amount of money and there is a huge concern and we want this Committee to take note of that and do whatever is possible to see that this strategy of doing laws at the state level but ignoring the state at the center and the central government, because that gets international attention, is taking cognizance off. Thank you.

Mr. TANCREDO. Thank you, Mr. D'Souza. Ms. Lee?

Ms. LEE. Thank you, Mr. Chairman. Let me just first thank the panel, all of you, for your very powerful testimony. As I am sitting here listening, of course, as an African American, many of the issues and the difficulties and the atrocities that are taking place as relates to the Dalits, I can very clearly relate to, given our history here of slavery and segregation.

And I want to ask you, given the fact that the Constitution, your Constitution actually does or did abolish the practice of untouchability, following that, I guess, your laws do implement certain affirmative action policies. How has that worked? It sounds like it probably has not worked effectively. And going to what Mr. Kumar

indicated with regard to what we can do as the United States, and I want to ask, also, what the international community can do, in addition? For instance, writing in set asides where 16.5 percent of the jobs and of any development projects going to Dalits. Well, I am sure you have watched the debate in this country, how when you begin to set aside or develop quotas, the debate becomes you are discriminating against all those others who are not part of the 16.5 percent.

So I am going to work with the Chairman to see how we can really look at how we can, as the United States Government, begin to insist at least with U.S. money, that we can put some of these revisions in. But just know, again, witnessing how this works in America, that debate sometimes can get off track, because there are those that believe when you do set aside funds for historically discriminated-against groups of people, that you are discriminating against others.

So I want to ask you, in India so far, has that phenomenon developed? Or how have your affirmative action programs evolved since 1950 or since their development? And finally, what more can the international community do?

Mr. RAJ. Several castes of Dalits, their population consists about 32½. That is the quota that has been earmarked for services for government. That is one part.

Coming to our Indian Constitution that abolishes untouchability. Untouchability, now we are talking about abolishing caste system. Ghandi talked about abolition of untouchability, but he stood for caste system. If caste system exists, untouchability is bound to be there. That is how things did not change as our forefathers were charged.

Now I step ahead. I think if we work out a system that abolishes the caste system, as long as the caste system exists, preserve the caste system, that is about abolishment of untouchability, which Ghandi said, there is a big divide between Chairman of the Constitution, Dr. B.R. Ambedkar, and Ghandi. Dr. Ambedkar stood for abolishing of the caste system. Ghandi just said no. Caste system should stay, but untouchability should not stay and that is unaddressed; now time has come. That is why we are here, we are globalizing our issue.

The caste system itself should be abolished. There are no chances that discriminations are going to be finished.

Mr. ILAIAH. But the point is, so far as the quota system is concerned, say from 1947, the untouchables and tribals were granted 22.5 percent, together. But from 1947 to 1970s, they did not fill jobs with these people and they could not give seats in the educational institutions to these people, because there were no educated among them at all.

So they said since qualified people are not available for both educational seats in the universities and also for jobs in the government sector, the quotas were taken from us and they were taken by upper-class. From 1970s to 1990s, 1991, actually, to put it bluntly, there were available candidates, but there was no affirmative position for any selection member. So the selection committees were constructed by the upper-class and the judicial committees were constituted by upper-castes. The recruiting committees were

constituted by upper-castes and eventually they would disqualify them in interviews and keep posts vacant.

Now from 1991 onwards, ever since India was open for liberalization and globalization, the qualified candidates are available. But in the higher positions, the higher bureaucratic positions, the statistics released last year were the scheduled castes and scheduled tribes together, Dalits, who should have been 22.5 percent, they were 6.5 percent in the jobs. So they would say that equally qualified capable people are not available, but they are out there in the market. And if you look at the standards of upper-castes, their standards are not at all greater than those who are standing outside the job within these communities.

And from 1991 onwards, they started privatizing everything in the name of liberalization. And thereby they say that now private companies cannot give you a job. So here in America, the affirmative action for African Americans, some have gone into private sector, too, and the Indian Government today is asking the industry to accept the same amount of quota in the private sector, too, but industry is resisting. And that is where we want the American industry, at least, to step in, as Mr. Kumar also rightly said, and open yourself in some form. And include us in the economy. Otherwise we will be outside the global economy and we will be depressed and distressed and poverty ridden and violence may erupt in any form.

Ms. LEE. Thank you very much for your response. Just in closing, I think, you know, aside from legislative strategies coming out of this, just from an international perspective, it might be an interesting dialogue to get together with the African American community and talk about some of the ongoing struggles and where we are. Of course, our work is not finished yet, but I am hearing very similar kinds of concerns and issues and I will talk to my staff and see if anyone on the Committee would like to participate maybe in a roundtable discussion about this. Thank you very much.

Mr. ILAIAH. Thank you very much.

Mr. TANCREDO. Thank you, Ms. Lee. A question to anyone who would wish to answer. I cannot imagine any more appropriate use of Millennium Challenge Account funds than those that would be directed toward improving the economic situation inside the Dalit community. To what extent have you given that any thought? Do you have any idea whether or not application has been made specifically to the Millennium Challenge Account for improvement of Dalit economic opportunities?

Mr. KUMAR. Yes, India, to my knowledge, is not qualified. That is my understanding. I may be wrong, because they are economically higher up.

Mr. TANCREDO. I see.

Mr. KUMAR. So, I do not know the fine points if you can find a way, even though India may not be qualified, if there may be a way you can use these funds to reach out to the societies, then that would be the best way.

Mr. TANCREDO. Well, I think that is something this Committee should look into. Perhaps some change to the legislation that would allow for that. Because, as I say, I cannot imagine a better use of

the funds and directed toward exactly what we want to try to accomplish here.

What is the regionalization of the issue? Are there places in India where it is either more severe because of economic religious conditions, or is this a problem that is not regionalized, except for the extent to which most Dalits are in a particular area? Is it a national or regional problem, I guess I am trying to decide.

Mr. D'SOUZA. It is a national problem, Mr. Chairman, and just a small example and I would ask Professor Kancha to answer from here. One of the so-called more developed, educated regions of India is the State of Talamnadu. A lot of the high tech people are there, et cetera. And recently, a couple of months ago, a phenomenal book has been released, called *Dalits in Dravidian India*, and it points out and documents the extent to which this is going on even in the State of Talamnadu. Unfortunately, it is not regional, it is national.

Mr. ILAIAH. Yes, Mr. Chairman, there is a slight regional differentiation in the position of Dalits, tribals of different situations in different states. But by and large, it is an all-Indian phenomenon, because the Dalitan tribals, particularly untouchables, are spread over all the states and all the villages.

Mr. TANCREDO. I see.

Mr. ILAIAH. So there is no state or town where there are more focus, more densely populated. In the south, there is somewhat better educational situation of the Dalits and tribals, because the reform movement was slightly stronger. And English education is likely slightly more. That is a reason why you can see more and more computer engineers coming, even some Dalits computer engineering come from the south.

And also there is a little more Christian increased population in south among Dalits. More of them have taken to Christianity and then they go to English schools more than whatever kind that exist. But the average poverty levels are of the Dalits and the lower-castes have been increasing and they are what we call below the poverty line, those who live below poverty. From 1991, the year in which the census was taken, 2001 the census was taken. The poverty level has doubled up and the hunger and the suicide rate for one has increased several-fold. I think India seems to be a country with the largest suicide rates of hunger and poverty.

So this is because of the globalized economy, which kept the lower-caste Dalits and tribals completely out. And the markets, new markets that are spreading across are spreading in the upper areas and the upper-castes easily reaching to that and there is multiple incomes of the upper-castes with the dollar money, with the Federal money and local landlord money and also capital that they have.

Even the temple economy is in their hands. So that is the problem.

Mr. TANCREDO. Well, along those lines, let me delve, if I could, just a little deeper into the issue of the economic pressures that we could bring to bear. There has been, I think more than one of you have indicated the problems that are attendant to large corporations investing in the area, but doing so without, in this case, a social conscience as to its effect on the Dalit and tribal people. I look

at what has happened here in other areas and what seems to be, well, what seems to have some sort of impact on the eventual decisions that these corporations make and I wonder whether or not it couldn't be used to our advantage here.

Several states have either dealt with or are anticipating dealing with divestiture of their state funds, of the monies that are put into employee retirement funds. And divesting from certain companies that are doing business in Sudan, that is the one that comes to mind because, of course, that is the one of which I am most familiar.

How could we construct a similar agenda item, let us say? On what basis would we advance it? What would we say to state legislatures in getting them to do the same thing, to somehow affect using their investment dollars to affect some change on the part of the corporate structure that invests, in turn invests in India? What would you say? How would you construct that?

Mr. ILAIAH. Mr. Chairman, you know, I was just reading a famous book written by two former chairmen of Harvard and some other university in relation to African Americans. It is called *The Shape of the River*, which statistics and data established that with the increased number of African Americans in the democratic economy and in the market economy, the communities and the democratic structure as standing.

Now if we apply the same principle to Indian situation and if the American companies, European companies, work out a methodology to make us inclusive, how they do it, whether they give us a quota or whether they will allocate a certain amount of their profit for training. For example, we have thousands of young Dalit engineers and they are down south, but they cannot move anywhere and get jobs, the engineering education itself. So if they are recruited and trained in different modes with the priority basis, whatever could be the name, perhaps that will really strengthen Indian democracy and stabilization, too.

So it has to be worked on. And certainly, as Mr. Kumar rightly said, the World Bank IMF finances and the USAID finances, our share should be fixed, our share should be determined. Some sort of mechanism should be worked out.

Mr. TANCREDO. Well, I just think that the amount of money we are talking about, we recognize the huge flow of dollars into the country, huge investments being made. It seems to me that that is where the greatest amount of pressure could be applied, if we could actually get corporations to act in that way. But, yes, Mr. D'Souza?

Mr. D'SOUZA. Yes, Mr. Chairman, I think linking it with sustaining the democratic foundations of India and growing the democratic structures of India is very, very important to dealing with the caste problem.

We have already referred to the secularity issue and how this discontent among the Dalit tribal, et cetera, is giving rise to violent movements which are destabilizing states. I live in the State of Andhra Pradesh, but there is a region in my state called Telangama, where there is a parallel, violent left wing organization and government running which hates anything to do with economic liberalization and all, because they think foreign investment is against them. And so there is a powerful argument in attaching investment

to be spread out to include the Dalits, to empower, in terms of when corporations go to India to be sensitive. If they are not sensitive, they, in their zeal to make money, may forget that the foundation, the democratic foundations in India have to be sustained for economic security to continue. Thank you.

Mr. RAJ. Supplementing to this, I just say that legislature to make equality we are struggling hard for 4 years. Last year when it went to the center and was formed and it is a common program. It has promised to make legislation whereby they can include Dalit and tribal sector. But what happens is our industries are opposing it. Unfortunately, we do not have capitalism. Capitalism has not come on us.

On one hand, there are capitalists. They are all big business, but on the other hand, they are caste members. So in other countries where they make their business, they just make the profit. But other hangers on like myself, they do not carry. But in our country, the businessmen over there, they have the caste biasments. So they are opposing the upward flight to the government. To some extent, government is willing to. If you look into it carefully, they open the gates for Dalits there and in India, probably, of course, because of your intervention. The U.S. Government can take up. So maybe industries will be pressurized to go far.

Mr. TANCREDO. But let us say that we did this, let us say we could bring enough pressure on American corporations, well, and these international corporations, really, not just American. But to actually do some sort of affirmative action program in India, what would they come up against in terms of government opposition to this?

Mr. RAJ. We are not asking anything that they are not doing here in America.

Mr. TANCREDO. No, I know, but I mean, what is India—

Mr. ILAIAH. Mr. Chairman—

Mr. RAJ. Indirectly, they will work on the pressure in industries. What is happening in industries, American industries, they work in culture, technology, production, efficiency, quality, everything. And when it comes to giving, bearing a social responsibility, then American industries remain no longer a role model for them.

So what Indian industries are doing is that when it is coming to them, when they are asked to give up something, then the American model is not for them, only for making a profit, the American model is fit for them.

Mr. TANCREDO. All right, thank you.

Mr. ILAIAH. Now, Mr. Chairman, if I understood you properly, how does Indian Government respond to that?

Mr. TANCREDO. Yes, how would the Indian Government respond to our attempts?

Mr. ILAIAH. Ideologically, the Indian Government, the present government, the Congress Coalition of Government, is committed for reservation for private sector. Ideologically it is committed. The President Anwar's speech mentioned it, the government's common agenda. All party government common agenda talks about providing quota in the private sector.

But the Indian industry is not willing to cooperate with the government, therefore there is a hassle, in fact, going on. So if certain

companies of America, on their own, with the kind of consent, start opening up certain quotas, the Indian Government should welcome this, it will welcome it.

Mr. RAJ. They will welcome it.

Mr. ILAIAH. Ideologically, it is committed.

Mr. TANCREDO. All right, thank you so much for your very, I think, profound and provocative testimony. I am sure that it will go a long way to helping us form legislation that at least will be designed to be helpful, and thank you again for being here today. I appreciate all of your participation.

[Whereupon, at 3:55 p.m., the Subcommittee was adjourned.]

