



# EQUITY *for* DALITS





ending the primitive

discrimination and deprivation

# EQUITY *for* DALITS

A BRIEFING PAPER FOR POLICY MAKERS



*Bhumiya Foundation*





### Forms of Untouchability

- ✓ Prohibited from eating with other dominants community upper casts.
- ✓ Denial access or services from barber shops.
- ✓ Dominants do not buy groceries from Dalits' shops
- ✓ Prohibited from marrying with other cast members
- ✓ Prohibited access to restaurants, tea stalls or discriminatory seating arrangements and separate utensils in restaurants.
- ✓ Sub-standard wages

Dalits face nearly **140** forms of work & descent-based **discrimination, deprivation & humiliation** from the dominants communities

### Forms of Untouchability

- ✓ Segregation in seating and food arrangements in village functions and festivals
- ✓ Prohibited from entering into temples
- ✓ Prohibited from entering dominant cast homes
- ✓ Prohibited burial in the same grounds
- ✓ No access to village's common/public properties and resources (wells, ponds, temples etc.)
- ✓ Face social boycotts by dominant casts for refusing to perform "duties".
- ✓ Bonded Labour



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# foreword

The Dalit are one of the largest socially isolated groups in Bangladesh likewise anywhere in the South Asia. Not only the economic poverty and vulnerabilities; Dalits are "untouchables" in the dominant society. Their problems and sufferings are different than the mainstream community poor's.

Only because of the birth, Dalits are deprived, discriminated and most importantly do not have minimum dignity as human even in this twenty-first century. The extreme poverty of Dalits stems directly from their exclusion and discrimination within political, economic and civic life.

Although Dalits have been struggling for their rights since long; still lots need to be changed. Through various survey and studies it has been established that conventional poverty reduction strategies do not work in ending the deprivation of Dalits, and until the government and the policy makers explicitly and empathetically recognize the struggle of Dalits and commit for the change; Dalits' deprivation will continue for another thousand years.

A huge proportion of the extreme poor are Dalit in the South-west Bangladesh where Uttaran and Bhumija Foundation work. With support from the European Union, both the organizations have been working with the Dalit

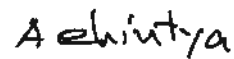
communities in the region to enshrine common values regarding fundamental freedoms and democratic principles, which are universal, indivisible and interdependent.

This document elaborates Dalit community's thoughts about the policy actions which can make a rapid change in their life. Through a participatory process of consultation the recommendations have been identified and prioritized. In the process, Father Luigi Paggi also kindly extended his guidance from his vast experience of working with Dalits. We are thankful to Father Luigi Paggi.

The discrimination of Dalit and the failure to ending the primitive prejudice is a disgrace for the whole civilized world. We believe that the recommendations made in this document will be acknowledged by the leaders of the people. And positive changes will be brought forward to build an equitable Bangladesh for all of its citizens.



Shahidul Islam  
Director  
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In Bangladesh, roughly **95%** of Dalits earn less than the national average. **63%** Hindu Dalits & **48%** Muslim Dalits have to take regular loans because of poverty.

# the history of humiliation

The caste system is a strict hierarchical social system based on underlying notions of purity and pollution. It (the caste system) is described as an occupational system, whereby people, according to their descent, undertake certain professions that are generally considered to be menial<sup>1</sup> .

Historically caste as we know it today incited from the beginning of the Aryans' invade in the Indian Sub-continent. It received a major thrust from the Gupta period and got established by the 13th century. In 600 BC, Gautam Buddha revolted against the caste system. Although the dynamics of religion largely shaped the context of caste system development, the relevance of economic and political factors is no less significant. Far from being a religious sort of structure, caste was a political one: it was the way a kingdom was built and functioned. The caste system is basically the power structure of the early medieval Indian state . Caste, the

scourge of Hinduism, is so deeply entrenched in the South Asian society that it has not left the adherents of Islam, Sikhism, Christianity and Buddhism-theoretically egalitarian religions-unaffected. So firmly rooted is the cancer of caste in the region that it survives and thrives in Bangladesh.

People at the lower-castes are generally named as "Dalit", also known as "Antyaj"; traditionally regarded as Untouchable. There is an estimated 5.5 million Dalits living in 63 districts in Bangladesh although numbers vary much according to different sources. Among these Dalits, there are more than 30 sub-castes i.e. Reeshi, Munda,



Bajondar, Behara, Bhagobene, Dai, Dhopa, Hazam, Jele (fishermen), Kaiputra, Namo-Shudra, Nikari, Pundra-Kshatria, Paroi, Patni, Rajbongshee, Rasua, Taor, Shahaji, Shikari and Teli etc.

Since the eighteenth century, there are enormous amounts literature, studies

and documents related to the discrimination, deprivation and humiliation of Dalits in the than British India and now in Bangladesh. As said by Dr. Amedkar, "Ethnic and or caste based discrimination is worse than slavery". Untouchability is the extreme level of human rights violation that disgraces the dignity of a human.



.....the experts perceived an overwhelming feeling of their (Dalits) being "trapped".

— UN Human Rights Council  
Joint report of the independent expert  
on the question of human rights &  
extreme poverty. Mission to Bangladesh  
(3-10 December 2009)



### Dalits' Literacy & Education<sup>1</sup>

Dalit Average	- 54.8%.
National Average	- 62.7% (2008)
Below Primary	- 30%
Primary passed	- 10%
VIII passed	- 7%
SSC passed	- 3%
HSC passed	- 1%
BA / BSc passed	- 0.3%
MA / MSc passed	- 0.3%
Non-formal education	- 3%

In Bangladesh, **64%** Hindu & **61%** Muslim Dalits have no education at all. **81.7%** of Hindu & **84%** Muslim Dalits have experienced discrimination as early as at the time of admission to school.

### Discriminated Against

- ✓ 31.4% of Hindu Dalits and 50.7% of their Muslim counterparts feel discriminated against when participating in political activities.
- ✓ 90.3% Hindu Dalits & 85.3% Muslim Dalits have experienced resistance to marriage with other religions.
- ✓ 82.3% Hindu & 56% Muslim Dalits feel discriminated against by NGOs and their micro-credit programmes.
- ✓ 29.2% of Hindus and 45.3% of Muslims Dalits report moderate to strong prevention from entering the homes of non-Dalits.



# incomplete civilization: — yet in the new Millennium

Situation have not been changed much even in the today, visible discrimination permeates every sphere of socioeconomic and political life of Dalits, including segregation in their access to housing. Dalits living areas are segregated and they suffer abuse related to their jobs and status. Rigid religious and psychological barriers impede any change in habitat or occupation.

They have no opportunity to seek other jobs, than their families have had for generations and also because they lack adequate education. Discrimination against Dalits keeps them poor, uneducated, in terrible living conditions and in menial jobs.

Most Dalits live beneath the poverty line, earn less than the minimum wage and have no access to education. Dalits also suffer from numerous diseases, not least because of their lack of access to safe drinking water and sanitation, and they

sometimes face discrimination in their access to public-health facilities.<sup>iii</sup> Schooling and even literacy are not regarded as necessities in most of the traditional occupations of Dalits. Discrimination against Dalit children in schools puts a further damper on any ambitions of education. The children of Dalits are reportedly ostracized by other students at school, and feel forced to hide their origins. Even the graduates from Dalit communities struggle to find a job. The powerful combination of tradition, discrimination by society, Dalits



have no choice but to accept their fate as unavoidable.

Though the Devdashi tradition have no longer been practices now a days but Dalit girls and women still face multiple burden of both gender and caste-based discrimination and violence from both men in wider society, and from men within their own communities. Dalit communities are often deeply patriarchal with severe restrictions placed on women's rights, mobility and freedom, particularly in relation to marriage. Many girls marry young, are unable to leave their homes without being accompanied and have no financial independence. Dalit women who are allowed to work are mainly sweepers or cleaners and face regular abuse from both employers and the public. The standard government maternity leave is 4 months but Dalit women often are denied leave or only receive 2 months. Maternal mortality rates are much higher amongst Dalit women than the national average.

Dalit face severe form of panic and violence, abduction, rapes, tortures, destruction of houses, land grabbing, eviction from land and threat in different ways every time everywhere in the society. Dominants communities often adopt illegal means to get possession of land or natural resources possessed traditionally by Dalits. Members of these communities are systematically excluded from social and public institutions and they constitute the section of hardcore poor groups and marginalized segments. Dalits do not get easy access to social justice from institutions like village court and become easy victims of abuse, torture and illegal punishment, socially, economically and extra-judicially.

Both the Hindu and Muslim Dalits have very lower access to capital assets. Negative attitude towards Dalits even spills over into the micro-credit programmes that have made Bangladesh world famous as a pioneer in the fight against poverty. Dalits, having neither



permanent jobs nor land for dwellings find it difficult to form groups and save the required small amounts every week.

They have often been termed "the missing communities"; missing that is in the development agendas of both governmental and non-governmental agencies. Dalits in Bangladesh are neglected by mainstream international development initiatives, reflecting the lack of awareness of the Dalit situation beyond South Asia, the lack of power of the Dalits politically, and the dominant communities at best indifferent to the Dalit plight. The Sixth Five Year Plan (2011-2015) of the Government of

Bangladesh recognizes the pattern of discrimination against occupational groups related to caste systems. The Plan vision to include disadvantage groups into the mainstream of society by ensuring their participation in socioeconomic activities and to promote and protect their human rights, reduce their persistent poverty, and ensure education and skill training for income generating activities. However the Plan does not make specific reference to the situation of Dalits including any commitment for enforcement of existing laws and/or developing any new laws that establish the dignity of life for Dalits.



**The Committee is concerned at the very limited information and statistics provided on disadvantaged groups of women and girls, including minority women such as *Dalit women*, migrant women, refugee women, older women, women with disabilities and girls living on the streets. The Committee is also concerned that those women and girls often suffer from multiple forms of discrimination, especially with regard to access to education, employment and health care, housing, protection from violence and access to justice.**

— Concluding Observations by the UN  
CEDAW Committee on Bangladesh Report  
(CEDAW/C/BGD/CO/7)  
4 February 2011.



### CERD Observations<sup>2</sup>

With regard to the interpretation of the definition of racial discrimination contained in article 1 of the Convention, the Committee considers that the term "descent" does not refer solely to race or ethnic or national origin, and is of the view that the situation with respect to castes falls within the scope of the Convention. The Committee therefore recommends that the State party include in its next report relevant information about the enjoyment of the rights contained in article 5 of the Convention by all groups, including castes

**46.3%** Hindu & **70.7%** Muslim Dalits have had to carry plastic bags for non-Dalits whom they have met at the market. This is just one of the practices of dominance.

### Discriminated Against

- ✓ 70% Hindu & 72% Muslim Dalits have met resistance when wanting to enter a house to greet the mother of a newborn baby in the community.
- ✓ 90.3% Hindu & 77.3% Muslim Dalits have experienced discrimination in their attempts to extend congratulations for newly-wed couples of non-Dalits
- ✓ 40.6% of Hindu & 53.7% of Muslim Dalits have met with discrimination at public graveyards when trying to bury members of their family.





# rights of dalits – human rights

It is not only the government but also the political parties & civil society of Bangladesh, and also the world communities must assume responsibility in bringing total justice to the Dalits who have been systematically deprived of their respect, dignity, culture and rights by the dominants communities of Bangladesh.

After 40 years of independence having a equity-based, democratic Constitution, and as Bangladesh is signatory to many international agreements such as the Universal Declaration of Human Rights and the International Convention on the "Elimination of All Forms of Racial Discrimination (CERD)"; still there is no difference in the lives of Dalits in Bangladesh as their fundamental human rights are violated on a daily basis.

## **Constitutional Civil Rights of Dalits in Bangladesh :**

The part III of the Peoples' Republic of Bangladesh Constitution, entitled "Fundamental Rights", recognizes the rights to equality before the law, equality between men and women and the prohibition of discrimination on grounds such as religion, race, caste, sex and place of birth' article 28(1). It also recognizes, in article 15 (a), that it is the responsibility of the State to provide for the basic necessities of life. The same

article goes on to provide for the right to work and the right to social security. Article 10 mandates the attainment of a just and egalitarian society free from exploitation. Article 12 requires secularism to be realized by the elimination of communalism, of granting political status in favor of any religion, of the abuse of religion for political purposes, and of any discrimination or persecution of persons practicing a particular religion.

Despite the fact that, according to the eighth amendment to the Constitution, Islam is the State religion, article 41 of the Constitution declares, "every religious community or denomination has the right to establish, maintain and manage its institutions". The Constitution does not recognize minorities as groups distinct from the Bengalis. However, the separate treatment of economic and social issues in the Constitution reflects a broader misunderstanding that economic, social and cultural rights are not claimable and enforceable, with serious implications for the full enjoyment of economic, social and

cultural rights.

### **UN Conventions :**

As a UN Member State, Bangladesh is obligated to the provisions in the Universal Declaration of Human Rights (UDHR). The first two articles of the UDHR state that "all human beings are born free and equal in dignity and rights" and that the human rights protected in the UDHR belong to everyone "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." The UDHR protects the following rights: the right to "life, liberty, and security of person" (Article 3); the right to be free from torture or cruel, inhuman or degrading treatment or punishment (Article 5); the right of equality before the law (Article 7); the right to effective remedy for the violation of fundamental rights (Article 8); the right to fair and public hearings (Article 10); and the right to be free from "arbitrary interference with privacy, family, home or correspondence" and attacks upon a



person's "honour and reputation" (Article 12).

Bangladesh is also a signatory of UN Human Rights Convention and also the convention on the elimination of all forms of the racial discrimination (CEDR). CERD's protections extend beyond state discrimination and require States Parties to "prohibit and bring to an end, by all appropriate means, including legislation, as required by circumstances, racial discrimination by any persons, group or organization," as stated in Article 2(1)(d). There is no Bangladeshi domestic law that designed to protect Dalits, the fact that Dalits do not benefit from existing laws demonstrates.

Caste hierarchies and discrimination permeate both the Muslim and Hindu populations in Bangladesh, and perpetuate the poverty trap. Till in 2011, Dalits live on an amount far below the poverty line with extremely limited access to health and education services. They suffer from very poor housing and lack employment opportunities. Dominant communities have undermined the principles of secularism, minority rights and basic human rights - including constitutional safeguards. Any attempt attain a prosperous Bangladesh must take great care not to continue existing patterns of caste discrimination and must include special measures to reach the Dalits.



**Marriage and property inheritance are the prime reasons which are contributing in perpetuation of Dalits' discrimination and humiliation over thousands of years.**





Article 28 (1) of the Constitution of Bangladesh proclaims that "the State shall not discriminate against any citizen on grounds of religion, race, caste, sex or place of birth". Articles 29. (1) "There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic". 29 (3)(a) "making special provision in favour of any backward section of citizens for the purpose of securing their adequate representation in the service of the Republic";

# policy

# recommendations

## **Recommendations for Government :**

### **1. Recognize the discrimination experienced by Dalits :**

The Government should explicitly recognize the discrimination experienced by Dalits as a serious impediment to the enjoyment and fulfilment of human rights in Bangladesh. The human community should not be continued as "ignored" and "missing communities" by a democratic society.

Government should also recognise that the stereotype and general development schemes will not be able to address the specific needs of the Dalits. A Dalit perspective into all development plans need to be adopted and implemented. Disaggregated data and information on cast along with participation/inclusion of Dalits themselves in the process is the key to bring changes in Dalits life and livelihoods.

### **2. Establish a special Commission :**

With a mandate to eliminate the discrimination and deprivation of Dalits, government should consider to establish a Special Commission to establish a Rights monitoring mechanism that gives Dalit communities access to the same rights and services enjoyed by other citizens. Need of a Special Dalit Commission has also been come out in the joint report of the independent expert on the question of human rights and extreme poverty by the UN Human Rights Council mission to Bangladesh on 3-10 December 2009. The Government should develop strategy to cooperate constructively with international human rights mechanisms, including Special Rapporteurs and UN Treaty Bodies.

### **3. Positive discrimination policy :**

To promote health, education and

employment government should adopt a "Positive Discrimination Policy" for Dalits to integrate them into the mainstream society and development process. In line with article 15, 19 and particularly the article 29(3) which stipulated that "making special provision in favour of any backward section of citizens for the purpose of securing their adequate representation in the service of the Republic." Implementation of quota systems for Dalits in all public and private educational institutes including employment opportunities in all sectors will be an effective strategy which will contribute in rapid increase of Dalits health, education and rights situation.

**4. Anti-discrimination Law :** Though the Bangladesh Constitution prohibited any kind of discrimination among citizens; in absence of appropriate legislatives Dalits cannot protect themselves from attacks, harassment and misbehaviour. Perpetuated abuse

and discrimination against Dalits happen because offenders do not get prosecuted; if they suffer any wrong, as most cases are settled or negotiated through informal authorities often arbitrarily or on a discriminatory basis. Besides, as a signatory to the Convention on the CERD, the government should observe its general obligations and also implement CERD General Recommendation 29 (take specific measures to combat and abolish the caste system, including the adoption of specific legislation prohibiting descent-based discrimination). Creation and enforcement of an Anti-discrimination Law can bring immediate change in the life of Dalits.

**5. Hindu Marriage & Family Law :** Marriage and property inheritance are the prime reason which are contributing in perpetuation of Dalits' discrimination and humiliation over thousands of years. Still

**The Committee notes the information given about the constitutional prohibition of racial discrimination, but is concerned that racial discrimination as such is not explicitly and adequately prohibited and penalized in criminal law. The Committee recommends that the State party consider giving full effect to the provisions of article 4 of the Convention in its domestic legal order, ensure penalization of acts of racial discrimination, and ensure access to effective protection and remedies under article 6 of the Convention through competent national tribunals and State institutions besides the High Court Division of the Supreme Court, in respect of acts of racial discrimination.**



today in Dalits communities, there is high prevalence child marriage particularly girls children only because Hindu Dalits do not require marriage registration under any current country laws. Hindu rituals (including dowry system) are the only manner for Hindu Dalit marriage while pursue an inter-caste marriage perceived as contravening the prevailing norms and values in the community. An added social burden is that generally the Dalit community does not sanction remarriage for women.

Enforcement of existing laws and creation of a Hindu Marriage & Family Law will be highly contributory to end discrimination against Dalits particularly Hindu Dalit women and girls.

**6. Dalits' representation in Local Government Institutions (LGIs) :** Local Govt. Institutes (LGI) i.e. Union Parishad and Paurashavas' have a strong role to play in ensuring Dalits' rights and development at the community level. Dalits' representation and participation in LGIs can stop discrimination and abuse the root and make a rapid change.

Ministry of Local Government and Cooperatives should consider issuing directives for Union Parishads, Pouroshovas to include Dalit

representatives in the Standing Committees including coordination and development committees of Upazila and Zila Parishads.

In the longer term Govt. should develop capacity of Dalit communities so that they can participate in elections of Union Parishad and Upazila Parishads including participation in mainstream politics.

## **Recommendations for Political Parties:**

### **1. Formation of Dalit-wing (associate organisation) of Political Parties :**

Dalits find it difficult participate in mainstream Party structure, organising trade unions, elect their own leaders and vote in elections where they are commonly threatened with violence to vote against their will - or bribed to vote for a particular candidate. With a Dalit-wing (associate organisation) of Political Party will create opportunity for them developing their leadership in political sphere and create space for them to contribute in decision making process in democratic environments.

**2. Forming "Parliamentarian Caucus" for Dalit Rights :** Parliaments and Parliamentarians are the defender of Constitutional Rights of all citizens in a democratic society. To ensure

Constitutional Rights of Dalits, formation of 'Parliamentarian Caucus" should be considered by the Parliamentarians. Parliamentary questions and agenda should be put forward for discussion in the Parliament on a frequent manner.

## **Recommendations for Development Communities :**

### **1. Strategic prioritisation of Dalits rights and development issue :**

Instead of generalising poverty and human rights issues in Bangladesh, development communities i.e. development partners (donors) and INGOs should consider focused intervention for the Dalit communities. Both rights and services-based (including special micro-finance, health and education) development programme

for Dalits should be designed and implemented with Dalits communities. Advocacy and media mobilisation programs should be considered by development communities to empower Dalits and Dalit women in particular to secure protection and establishment of their human rights.

### **2. Piloting development models :**

Development communities should work on developing "Models" for Dalits community development. They can initiate innovative projects (to be replicated/scale-up by the government) to create awareness among Dalits regarding social education. Income generation schemes and relevant initiatives should be undertaken nationally for Dalit women and children.



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1. Poverty Profile of the Dalits in Bangladesh, Prof. Mesbah Kamal (2008)
2. Concluding observations of the CERD on Bangladesh Report CERD/C/304/Add.118, 27 April 2001.
3. IIDS study, 2007

## **End Notes :**

- <sup>i</sup> Indian Institute of Dalit Studies, "Caste-based discrimination in South Asia: a study of Bangladesh", pp. 12-13.
- <sup>ii</sup> Caste, King and Dharma: from Varendra to Bangladesh An Historical Perspective By Sergio Targa
- <sup>iii</sup> Ibid., p. 46
- <sup>iv</sup> Meghna Guhathakurta, Research Initiatives, Bangladesh : The Learning Environment and School Governance: a Discussion on the Draft Recommendation of the UN Forum on Minority Issues, Geneva, 15-16 December



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