



## **Exploring the Dalit activism in the fight for inclusiveness in internationalization of caste-based discrimination via the lens of the Transnational Advocacy Network Model(TAN), with a focus on Work and Descent-Based Discrimination, and Global Human Rights Law.**

Harsh Vivek Raj

Siam University, Thailand

*hvr2@student.london.ac.uk*

This research paper examines Dalit's transnational advocacy that led to recognition of caste discrimination based on work and descent prohibited under international human rights law. Dalit activists in India are working to make centuries of caste injustice a recognized international human rights concern. The research examines the evolution of Dalit activism, contrasting early disappointments with subsequent gains in transnational campaigning during the late 1990s. The analysis highlights two key factors behind these successes: first, organizational structure developments, including the formation of unification in Dalit network in India and a subsequent transnational solidarity network (TAN model); second, rhetorical techniques shifts, as Dalit activists' transformed caste based discrimination within the globally accepted discourse of "discrimination based on work and descent." The work also investigates India's constitutional and legislative framework for Dalit rights, including the past restrictions of the Scheduled Caste designation and its relationship to religion. The report, in particular, explores the exclusion of Muslim and Christian Dalits from Scheduled Caste classification and advocates for a rethinking of domestic legal categories and techniques for combating caste-based discrimination. Finally, the paper advocates for the worldwide recognition of caste as a *\*sui generis\** type of discrimination separate from racial or ethnic classifications, in order to strengthen global human rights advocacy for Dalits and other similarly marginalized communities. The findings have larger implications for other organizations looking to internationalize domestic problems as human rights violations.

**Keywords:** Dalits, Caste System, Human Rights, Transnational Advocacy Network, Work and Descent



## INTRODUCTION

The study paper examines endeavors undertaken by Dalits in India to turn traditional caste injustice into a worldwide human rights concern. After India gained its independence, Ambedkar claims that untouchability originated in Brahmanical literature such as the Vedas, Shastras, and Manusmriti (law and codification) <sup>1</sup>, and that Jagjivan Ram's expansion of reservation was crucial to the marginal advancement of Dalits<sup>2</sup>. They also obtained schooling and government employment, strengthening Kanshiram's BSP (political national party) and fostering activism against crimes<sup>3</sup>. Examining the rhetorical and organizational elements that went into framing the movement through the use of political opportunity structure. The UN and human rights treaty bodies did not recognize the untouchability of Dalits in the 1980s<sup>4</sup>, despite widespread agitation by Dalits (lawyers, civil workers, teachers, etc.) using lawsuits, media, individual visits, and nonviolent civil disobedience actions. Information politics, such as written petitions, superior reports and manifestos, phone calls, and lobbying, were used by VISION (expat dalits), ACJP, and Dalit Liberation Education Trust are local and regional groups<sup>5</sup>. They appealed in the World Conference of Human Rights, WCRP, WHO, Osaka International Conference, and so on. Dalits made a great effort to have untouchability recognized internationally because, while it cannot eradicate prejudice, it may build collective identity, encourage mobilization, spark a worldwide conversation, and increase group power<sup>6</sup>. Dalits had limited success when the Working Group on Untouchables was established with assistance from MGR (London)<sup>7</sup>. In the beginning, it was unable to draw in Amnesty International and Human Rights Watch since caste discrimination was not recognized as a human right in the country had little appeal or connections in the local or global community, and human rights organizations were not as active<sup>8</sup>. Achieve the first milestone in 1996 when caste discrimination was classified under Article 1 of the ICERD under the more expansive category of "Work and Descent". Smita's report on "Broken People" and the latter report issued by HRW (1997) both played significant roles and were widely recognized<sup>9</sup>. The human rights report was impacted by HRW's approach to the Ford Foundation with a planning grant and interaction with Dalit organizations<sup>10</sup>. Human Rights Day (1998) saw the NCDHR come to fruition, and when Martin Macwan was elected president, he connected numerous Dalit CSOs and produced a "Black Paper"<sup>11</sup>. The UN was then contacted on a petition calling for "Freedom from Caste Bondage" and the outlawing of untouchability in practice. Leverage politics' success as a potent player impacted the circumstances; the UN acknowledged Untouchability: Crime against Humanity, and this Special Rapporteur was appointed.

The first "World Dalit Convention" (1998) was held in Malaysia, and a larger coalition was noticed with the presence of activists from South Asian nations, Japan's Buraku community, and BSP Chief Kanshiram<sup>12</sup>. The NCDHR published "Broken Promise and Dalits Betrayed" in 1999<sup>13</sup>. Politics with symbolic meaning: the caste system was established and maintained by the conflicting Brahmanical writings, the Vedas and the Manusmriti. Additionally, representing



Ambedkar and his ideas; an advocate for social justice, spreading news of crimes to increase awareness. NCDHR sent a strong message by denouncing the caste bias of local government authorities<sup>14</sup>. Despite laws to the contrary, Parliament has failed to outlaw manual scavenging and continues to hire individuals for this work. HRW recognized Martin Macwan as an exceptional human rights advocate, and his \$25,000 Kennedy HRM award became a topic of discussion in the media<sup>15</sup>. Consequently, forge close relationships with US civil rights organizations and UN representatives. In an effort to advance the Dalit cause, human rights, information sharing, and cooperation with important players on the international scene, Dalit leaders established IDSN in 2000 with backing from throughout the world<sup>16</sup>. The four national federations that made up IDSN were NCDHR, DNF, HDO, and BLL. The UN HRC Sub commission (2000) proposed a resolution and asked governments to take legal action against individuals who discriminate under "Work and Descent." The Goonesekere study, which was released in 2001, aims to identify global prejudice, examine official assessments, and identify objectives to be met. Paragraph 73 of the Draft Action Programme, which was documented by PrepComs and the WCAR, urges the government to take all necessary steps to address discrimination based on race and employment.

Subsequently, the EU parliament (2003) and the Dutch government prioritized the issue of caste-based discrimination, advocating for a "confrontation against caste discrimination" at UN<sup>17</sup>. First, the Indian government said that ICERD does not discriminate based on caste and that it is specific to the Indian social society<sup>18</sup>. They also cited Articles 17 and 16(4) of the Indian Constitution, which prohibit untouchability and the reservation scheme. Later on, it successfully fought WCAR Paragraph 73 and removed it entirely, claiming that it was an internal matter. Dalit organizations created a front despite the backlash by establishing links with human rights NGOs in the USA and the EU and releasing a Final Declaration<sup>19</sup>. Even while the Indian government opposes discrimination based on "work and descent," there is a special thematic discussion on CERD. The government was held responsible for violating the XXIX treaty, as per the general recommendation<sup>20</sup>. Human rights movements frequently have trouble organizing against democracies. The boomerang model is crucial in the age of globalization because pressure from other countries may affect change in India and other countries<sup>21</sup>. According to an IANS study from 2017, the majority of today's Untouchables were once Buddhists, said Ambedkar<sup>22</sup>, these individuals are better off in terms of their health and education than Dalits who continue to adhere to Brahmanical Dharma. While social and political changes are required to put an end to caste abuse, international pressure can act as a catalyst. Human rights movements frequently have trouble organizing against democracies. The boomerang model is crucial in the age of globalization because pressure from other countries may affect change in India and other countries<sup>23</sup>. Dalits continue to be landless and subjected to low-wage labor due to widespread caste discrimination; if they rebel, they risk being beaten to death<sup>24</sup>. They still encounter prejudice even after converting to another religion, with the exception of Buddhism. From 49064 to 72000 (approximately) in 2021, atrocities have



increased by 1.5% since 2018 and 48 dalit women are raped every day. So, the next thing that will be explored i.e. what criteria are used to distinguish between issues that are considered human rights concerns and those that are not? How do formerly oppressed people turn enduring internal complaints into universally acknowledged human rights demands?

## LITERATURE REVIEW

### **Who are today's Dalits (Buddhism to Untouchability)**

Traditionally, Untouchables were considered outside and under the four primary Hindu castes (varnas), which categorized all parts of Indian society by ceremonial purity and impurity (typically associated with work and hereditary defilement). Occupational subcastes (jatis) have varying levels of practice from north to south. There is significant ethnic and linguistic diversity, as well as geographic variety among jatis and areas. The notion that a group's birth into a specific social class is the only reason why they should be treated with less dignity and privilege than other groups. Caste hierarchies are based on customs and beliefs that go counter to the fundamental principles of the contemporary human rights movement, including the authority of religious texts. So caste represents a direct challenge to a key tenet of the human rights ideal that all humans are born equal and ought to receive similar dignity, respect, and rights. Caste's lengthy absence from human rights discussions and recent advances.

Today's Dalit population, while largely Hindu, is religiously diverse because Dalits have sought freedom from Untouchability through many means, including conversion from Hindu to Sikhism, Christianity, Islam, and Buddhism. Dalits still faces harsh prejudice and violence because of their lowly place in the Brahmanical Hindu caste system. Till the last decade of the 1990s, the United Nations (UN) and non-governmental organizations (NGOs) were unable to acknowledge the daily violence, marginalization, and humiliation endured by millions of low-caste people as human rights violations.

There exist comparable types of discrimination based on employment and descent outside the Hindu cultural domain. Reluctant to recognize caste prejudice as a human rights problem. According to reliable estimates, India's Untouchable population is above 201.4 million, or 16.6%. According to a recent caste study in Bihar, there are 25,689,820 Dalits, or 19.65% of the total Bihar population. Despite their diversity, seeing the Untouchables as a single cohesive group is sociologically problematic. Indeed, there are disputes amongst Untouchable communities, which are frequently based on occupational hierarchies within the larger community.



## **Emergence of Dr. B.R.Ambedkar and Post 1909**

The independence movement and significant disputes of the 1930s and 1940s continue to reverberate in Dalit politics today, thanks to Dr. Ambedkar's efforts to make untouchability a national issue in India. Caste discrimination affects people all over the world, including the sizable South Asian diaspora in Europe, East Africa, , North America, and other distant regions where South Asians have migrated. The majority of this abuse occurs in South Asian nations, such as Pakistan, Nepal, Bangladesh, and Sri Lanka; victims include both Hindus and those who have just converted to other religions, such as Christianity, Sikhism, Islam, or Buddhism. According to studies, Dalits of other religions, particularly Hinduism, have significantly less advanced social and educational growth than Dalits of Buddhism following The Great Conversion or Return to Buddhism (1956). For the Indian National Congress Party, Gandhi and the Rashtriya Swayamsevak Sangh (RSS), both of whom were not Untouchables, attempted to advocate the community. Gandhi and K. B. Hedgewar, an ardent Hindu advocate, regarded untouchability as a perversion of Hindu theology and attempted to reform the religion by encouraging Hindus to treat all people equally, regardless of caste. B.R. Ambedkar, a leader of the Untouchables, opposed the idea of Hinduism being purged of caste. He criticized Gandhi's renaming of the group as "Harijans" and his belief in upper caste Hindus' renunciation of hierarchy. He advocated the destruction of caste and the elimination of untouchability, not for its maintenance. In time of RTC (under Communal Award) 16 August 1932, Ambedkar exploited Hindu-Muslim divisions in the independence movement and British influence to demand a separate electorate for Untouchables in India. Gandhi rejected this, leading Ambedkar to accept the Poona Pact, which reserved seats for "depressed classes." Ambedkar argued that caste hierarchies pervaded Hinduism, leading to his coming back to Buddhism in 1956.

After Indian independence, Dalits have achieved some progress. The Indian Constitution, much of which was written by Ambedkar, formally abolished Untouchability, prohibited caste discrimination, expanded the colonial system of "Scheduled Caste" reservations in educational institutions, government jobs, and state and national legislatures, and established a commission to assess and report on the group's status in Independent India. Under pressure from an increasing number of educated Dalits, India approved various laws and Constitutional amendments enhancing protections and expanding reservations for Untouchables, the most notable of which is Kanshiram's struggle for power and the establishment of the SC/ST Act 1989. These policies have assisted an increasing, if small, number of Dalits in obtaining an education and becoming members of legislative, executive, and judicial organizations. Untouchables in India continue to experience major disadvantages, discrimination, and violence, despite regulations aimed at resolving these issues. Activists criticize the state and main political parties, which are dominated by caste Hindus, for failing to execute Indian laws. Dalits are disenfranchised from society and public resources, compelled to subordinate themselves, discriminated against in land and housing allotment, and barred from participating in local government organizations. Despite land reforms in 1955-56 (Dr. Ambedkar reigns) and the Land



Ceiling Act of 1972 (Babu Jagjivan Ram reigns), Dalits remain at the bottom of the economic ladder, frequently living in poverty. Upper or dominant castes control the vast majority of agricultural land. Dalits are forced into demeaning jobs, often as bonded laborers, and "manual scavengers" who clean the country's ubiquitous dry latrines by hand, and they are not even provided with proper kits (tools and dress), whereas space missions have proper equipment, but the same condition is not met in cleaning jobs. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 forbids manual scavenging. The Indian Parliament was notified on Tuesday that between 2018 and 2023, over 400 workers lost their lives while clearing the sewers and septic tanks in the country. Despite the reservation system, many Dalit children do not attend school, leaving them uneducated and with limited economic opportunities, Dalits in India have endured countless atrocities, including assault, rape, and murder, as a result of their rise<sup>25</sup>. Despite widespread media coverage, government officials in many locations have been unable to put an end to the bloodshed. As affirmative action programs expanded, more Dalits became politically active and frustrated with government policies. In several states, strong Untouchable political parties have emerged and sought power, occasionally allying with middle and upper caste parties. The Bahujan Samaj Party (BSP) has been in power in Uttar Pradesh since Mayawati, a Dalit woman, became chief minister. While Dalits have lately elected a ceremonial Dalit President and members of national Cabinets, there is no unified political leadership for this varied minority throughout India.

Dalit activism in India has increased in recent years, with a significant opposition to Hindu government policies and regulations<sup>26</sup>. Civic activists frequently criticize politicians for aligning with non-Dalit parties while doing little to help their constituents. Violence has escalated as a result of Dalit opposition to ceremonial servitude, the government's reluctance to enforce land rules, and rising upper caste aggressiveness<sup>27</sup>. Nonviolent Dalit civil society organizations and small NGOs created by Dalit professionals have stepped up their efforts to raise caste prejudice and violence as human rights issues. Dalit converts to Christianity and Buddhism have received assistance from religiously affiliated organizations abroad, such as Dr. Ambedkar's efforts to connect The Untouchables with the Buddhist Society of India and the World Fellowship of Buddhists. However, Dalit civil society organizations (CSOs) claim that transnational development (TAN model) NGOs fail to address the underlying cause of caste-based prejudice, instead focusing primarily on its symptoms. According to Dudley Jenkins, repressive social categories can be exploited by marginalized groups as means of empowerment, changing unfavorable associations into favorable ones. Deepa Reddy has studied how caste identity in India can be transformed into a positive ethnic identity. Ansari wonders if Dalits may lose unwanted aspects of an identity that is imposed from without while keeping aspects of their Dalitness. As a pan-Indian group, the Dalits may play a big role in this process. Although Ambedkar maintained that castes were not distinct racial groupings with unique racial and cultural identities, caste-related writing from the 18th and 19th centuries was rife with references to the identity of indigenous peoples. The British-established Constituent Assembly, which was tasked with drafting an interim Indian Constitution and serving as a temporary government until



the document's approval, discussed this idea. Despite Ambedkar's ambiguity on the subject of Dalit indigeneity, the Dalits have been pursuing an indigenous peoples' identity since the 1990s through their worldwide strategy. Key qualities like historical or customary land occupation, resource utilization, unique cultural and religious traditions, rituals, rites, and separate histories, philosophies, languages, and institutions do not characterize the Dalits as a cohesive community. Nonetheless, certain Dalit religious communities' experiences and some of these characteristics coincide. The Dalits now have access to more international venues and a potent political tool thanks to the deliberate exploitation of the indigenous identity. The international system of indigenous rights is threatened by minorities' deliberate adoption of the title of indigenous peoples as a "back-door" to recognition and rights, opponents caution.

### **Caste Discrimination and Public Employment in India**

Different from caste as a forbidden ground of discrimination, the Indian Constitution forbids discrimination in public employment. Caste was mentioned in connection with the formulation of Articles 1(4) and 2(2) on temporary exceptional measures, but it was not brought up during the drafting of Article 1(1) ICERD. These clauses were included in the ICERD to provide for short-term, special measures to assist specific groups of individuals, such as those in India, who have been caste-based into a life of misery and oppression. General Recommendation 32 (GR 32) on the definition and application of special measures, including affirmative action programs like India's reserves, was released by the CERD in 2009. GR 32, which defines special measures as goal-related and time-limited rights for the growth and development of groups and the individuals who make up them, as opposed to permanent human rights that apply to certain groups of people or communities. Specific actions must adhere to the fairness principle and be founded on precise, de-identified data pertaining to gender. A State's special measures must not discriminate against anyone. According to GR 32, the concept of intersectionality—where discrimination on the basis of gender or religion seems to occur in addition to one or more of the grounds specified in Article 1—expands the definition of grounds for discrimination in practice is directly applicable to India. UN treaty bodies are increasingly acknowledging caste as a basis for discrimination, especially when it is paired with other characteristics like gender or religion. Unlike Buddhists or Sikhs, Dalit converts to Islam or Christianity forfeit their right to SC reservations. The International Convention for the Elimination of Discrimination Against Women (1979) has been hindered by caste, according to the Committee for the Elimination of Discrimination Against Women. Dalit women and girls are particularly vulnerable to sexual and gender-based violence. The disparity between the official repeal of caste and untouchability in India and the persistence of substantive or de facto discrimination has been brought to light by CERD. The UN Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights all list caste as a barrier to de facto equality in human rights.



India is constituted as a democratic, secular, socialist, and sovereign republic by the Indian Constitution. Individual fundamental rights, including civil and political rights, are guaranteed under Articles 14 through 31. Article 14 forbids discrimination on the grounds of sex, religion, caste, color, or place of birth and ensures equality before the law. While Articles 16(1) and 16(2) ensure equality of opportunity and forbid discrimination in state offices or public employment, Article 17 outlaws untouchability and makes its practice illegal. Social and economic rights are integrated in Articles 39-51 as "Directive Principles of State Policy," which must be applied by the State in creating laws. Article 46 directs the State to advance the educational and economic interests of the Scheduled Castes and Scheduled Tribes and to safeguard them against exploitation and social injustice. Articles 29 and 30 of the Constitution protect rights to culture and education, whereas Articles 25–28 guarantee freedom of religion. Article 29 forbids the rejection of entrance to State-maintained or State-aided educational institutions on the grounds of religion, race, caste, or language, and permits communities with unique languages, scripts, or traditions to preserve them. Article 30 forbids discrimination in State aid payments and guarantees the right of linguistic and religious minorities to form and run their own educational institutions. To guarantee minorities' advancement and protect their rights, the National Commission for Minorities (NCM) was founded in 1992. Although Article 25 guarantees freedom of conscience and religion, which includes Sikhs, Jains, and Buddhists under Hinduism, five communities have been formally notified as minorities. States have the authority to grant special consideration to its linguistic or religious minorities, but under the NCMA, a group can only be designated as a statutory minority by the central government.

According to their population share, the Indian Constitution requires political representation at the municipal, provincial, and national levels to be reserved for SCs and STs. Article 15(4) permits exceptional provisions for the advancement of citizens from socially and educationally disadvantaged backgrounds. These provisions provide for the reservation of seats for SCs, STs, and, since 2006, OBCs in State higher education institutions. Article 16(4) permits the reservation of positions in the public sector for citizens from underrepresented backward classes who are not sufficiently represented in state-run services. Although the Supreme Court established a 50% ceiling for reserves in higher education and public employment in 1964 and again in 1993, there is no constitutional minimum or maximum threshold for these kinds of restrictions. For SCs, the reservation quota is fixed at 17% for OBCs at 27% and for STs at 7.5%. The three groups' aggregate reservation quotas don't go above 50%. As per the Constitution, minorities are entitled to freedom of religion and "identity rights," yet they are not eligible for reservations. Dalits who identify as Muslim or Christian are expressly prohibited from SC reservations due to their religious beliefs. The essay discusses the origins of these divisions. When the word "untouchability" was first used by Ambedkar in 1909 to refer to the customary prejudice that the Dalits experienced, it eventually evolved into a phrase that also served as the name for a new social and legal category as well as an all-Indian political identity. This idea permeated Indian society and was eventually written into the Constitution.



## **The Evolution and Current Status of Scheduled Castes in India Constitutional Provisions, and Socioeconomic Challenges**

The phrase "scheduled castes" was coined by the Government of India Act 1935 to refer to socially and economically marginalized castes that are entitled to special electoral participation. The Schedule was included in the Indian Constitution and has been in force ever since. Scheduled Castes (SCs) are defined by the Constitution as "such castes, races, tribes, or parts of or groups within such castes, races, or tribes as are deemed under Article 341 to be SCs for the purposes of this Constitution." At the moment, more than 1,100 castes are Scheduled, and their inclusion is based on untouchability, which is determined by the degree of social infirmities resulting from poor social and ritual standing in the ancient Hindu social system rather than "secular" disadvantages. The Constituent Assembly did not define untouchability; rather, it supported its elimination. Untouchability, on the other hand, was perceived as a ritualistic, status-based trait that was extremely harmful to the individual as well as to society, giving birth to a particular kind of social stigma and discrimination that was different from prejudice based on other grounds, like religion. Since caste was the only factor considered in untouchability, a Muslim member's amendment that "no-one shall on account of his religion or caste be treated or regarded as a 'untouchable'" was not accepted by the Assembly. Ambedkar sought to connect India's independence from British rule with the liberation of the Untouchables from caste oppression. He maintained that, for political and constitutional reasons, the Untouchables should be recognized as a distinct 'minority group'. Gandhi, on the other hand, contended that political separation of the Untouchables from the Hindu community should not occur, as this would be detrimental to the nationalist effort and Hindu unity. The Muslim, Sikh, and "general" groups were the three primary "communities" that the British government recognized when the Constituent Assembly was founded in 1946. Rather than being a Hindu subgroup, Ambedkar aimed to guarantee Untouchable representation as a distinct political minority in the Assembly and on the Minorities Committee. However, British Prime Minister Clement Atlee refused to follow orders to the Minorities Committee's membership. Ultimately, Jawarharlal Nehru's Congress Party brought women, Christians, Parsis, Anglo-Indians, and SCs and STs under the "general" category and admitted them to the Constituent Assembly. Ambedkar was nominated to the Minorities Sub-Committee, the Minorities Committee, and the Constitution Drafting Committee in addition to being elected to the Assembly.

The Indian Constitution makes a distinction between Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs) and religious, linguistic, and cultural minorities. Only the latter are eligible for affirmative action. This differentiation was not, however, the original intention. In 1947, the Minorities Committee suggested special seats in the legislatures for Untouchables, Muslims, and Indian Christians, along with a general caveat that provincial and federal administration should take the claims of minorities in mind. The proposed



Constitution now includes these recommendations. As a result of India's religiously motivated split into the republics of Pakistan and India on August 15, 1947, legislative reservations for religious minorities had been eliminated by 1949. The Minorities Committee proposed in May 1949 to do away with the reservation system for minority in legislatures other than Scheduled Castes, claiming that religious differences endangered national unity. Minority members of the Committee decided that establishing "genuine foundations of a secular State" meant renouncing reservations for religious minorities. As chair of the Drafting Committee, Ambedkar suggested amending the draft Constitution to give SCs and STs exclusive preference in public sector posts. Ambedkar's amendment was eventually approved following an "acrimonious" debate that saw resistance from Sikh and Muslim Assembly members in particular. The ability of Ambedkar to create the SCs as a minority group apart from both Hindus and religious minorities, as well as to obtain special protections for the Dalits as a minority group in spite of their non-adherence to the conventional ethnic, religious, or language requirements for the minority classification. However, the Assembly largely agreed with Ambedkar's description of the SCs as a unique and persecuted group of people, which served as the rationale for granting them reservations while denying religious minorities. Indian scholar and NCM member Zoya Hasan criticized the denial of reservations to religious minorities from the standpoint of social inclusion. Nevertheless, the argument for ongoing constitutional reservations for Muslims or other religious minorities was eventually weakened by the establishment of Pakistan and India's resolve to remain a secular state. After the Constitution was written, religious minorities gained "identity rights" that protected their religion, language, and culture, but they lost the particular protections that they had received under British rule. Meanwhile, the SCs emerged with the assurance of particular initiatives in work, education, and political representation.

In order to ascertain the material and social status of Dalits in Muslim and Christian communities, compare their circumstances to those of non-Dalit and Dalit groups, and assess if state action is warranted due to their disabilities, the National Commission for Migration (NCM) commissioned a report on Dalits in these communities in 2008. The study found that, irrespective of religion, Dalits had inferior material, social, and educational status compared to non-Dalits. The survey also revealed that Dalits, who are Muslim and Christian, are recognized and treated differently in their religious communities and are frequently viewed as "socially inferior" by their fellow adherents. Economic exploitation, endogamy, and social, cultural, and professional isolation are examples of discrimination and exclusion. The research came to the conclusion that there is a solid case for the position of Muslim and Christian Dalits in the SC but no convincing evidence to support denial of that status. The courts in India acknowledge that caste is upheld even in cases where conversion to a new religion occurs without scriptural support. The question is whether societal disadvantages resulting from belonging to a "Untouchable" caste also exist today. Since only Hindu or Sikh members of the castes included in the Schedule were considered to be SCs for the purposes of the Constitution, the Supreme Court was asked to rule in 1985 whether the 1950 Constitution (Scheduled Castes) Order was



unconstitutional on the grounds of religious discrimination. The court ruled that in order to prove that Christian members of the specified castes are subject to discrimination under the Constitution (Scheduled Castes) Order 1950, it is necessary to demonstrate that their social and economic disadvantages, as well as their cultural and educational backwardness, are comparable. It is necessary to demonstrate that the oppressive limitations resulting from caste membership in the Hindu social hierarchy of origin persist in the new context of a different religious community. Merely demonstrating that the same caste continues to exist after conversion is insufficient. Apart from maintaining their caste identity, Muslim and Christian Dalits should also be able to demonstrate that they are less fortunate than their non-Dalit counterparts in terms of material and social status, and that their situation is similar to that of the Hindus, and Sikhs who are currently classified as SC members. Untouchability is put to the test rather than just material deprivation. As of this writing, there has been no legal or political resolution to the issue, and only Buddhists, Sikhs, and Hindus are eligible for special measures for SCs under the constitution.

According to the Sachar Report from 2006, Muslims in India have severe socioeconomic and educational disadvantages; of them, 41% are classified as OBCs, while Muslims account for 16% of all OBCs. The Commission for Religious and Linguistic Minorities suggested in a 2007 study that all excluded religions be classified as SCs and that the SC status be completely detached from religion. Both parties who were not beneficiaries and those who were beneficiaries opposed this. An Equal Opportunity Commission (EOC) should be established to look into and pursue claims of discrimination or denial of equal opportunity in professions that are protected, according to the Sachar Report, which heralded a new direction in equality and diversity. In order to ensure that all socio-religious groups had equal opportunities in particular fields of endeavor, a "diversity index" would be employed. To address the lack of disaggregated data that academics and activists have long noted, a National Data Bank would be established. The government commissioned two expert reports on these recommendations. In line with the emphasis of international human rights law on *de facto* equality rather than *de jure* equality, the EOC Report acknowledges that eliminating disadvantage for specific identity groups entails more than just repealing laws that expressly discriminate against them and enacting formal equality. Instead, the report emphasizes non-discrimination and equality in their broadest sense.

## RESEARCH METHODOLOGY

The qualitative research for this study was carried out using a documentary research approach. The sources of all documented data included academic publications and articles, research reports relevant to the topic, and information from other worldwide universities. In order to produce thorough study results and a discussion, conclusion, and recommendations, all acquired documentary data were submitted to content research, critical evaluation, and logical scrutiny throughout the data aggregation process.



## DISCUSSION AND RESULT

### Complexities While Leveraging International Human Rights

Serious examination of the paper's core premise: caste discrimination has always been a human rights issue. Some may respond to this claim by citing the broad language of international instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and the International Convention on the Elimination of All Forms of Racial Discrimination. All-encompassing human rights rhetoric ignores the caste foundation on which Dalits are harmed, making it impossible to identify acceptable solutions. International acknowledgment of "rights" can help to strengthen group identity, enable mobilization, and increase group power among oppressed populations like India's Dalits. Dalits in India have achieved tremendous progress in their rights movement, with the United Nations acknowledging their unique human rights concerns in 1996 and International human rights NGOs have also allocated resources to Dalit issues and established a transnational advocacy network. European nations, particularly in Europe, have pushed India to respond. Although these accomplishments have not eliminated caste-based prejudice, they are significant milestones in an ongoing process. These changes have ramifications for human rights ideas as well as international politics. Dalit civil society activists in India and the diaspora of South Asia started taking their complaints global as human rights issues in the early 1980s<sup>28</sup>. They wanted to bring attention to the continued effects of caste-based discrimination, find allies to put pressure on the Indian government to enact laws that would stop violence and discrimination against Untouchables, and acknowledge that the group's situation constituted a clear violation of their human rights under international law. The Indian government, however, was adamantly against these initiatives, arguing that the issues Dalits experienced were exaggerated and that the real issues were societal norms within the community. Additionally, the administration argued that caste is an exclusively Indian social structure that is unaccountable to outside authorities. In the early 1980s, Dalit civil society activists began to make their case abroad in a number of settings, despite this hostility. Dalit civil society action received little attention by the 1990s, and their attempts to get international institutions and non-governmental organizations to recognize caste-based discrimination as a human rights violation met with little success.

## Discrimination Based on Work and Descent (Untouchability)

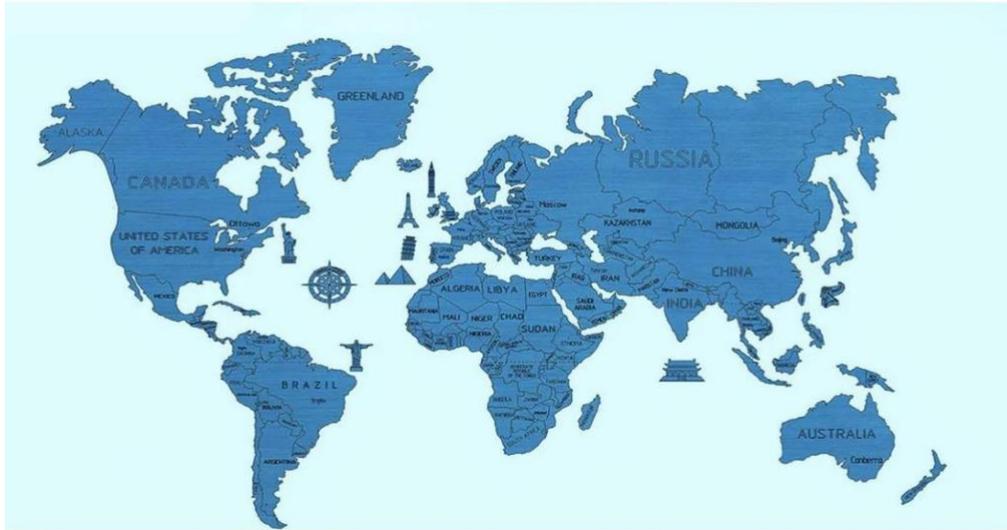
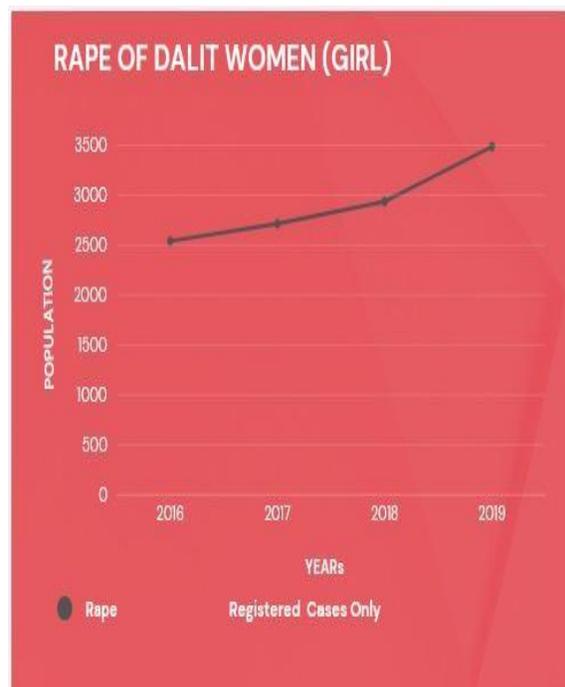
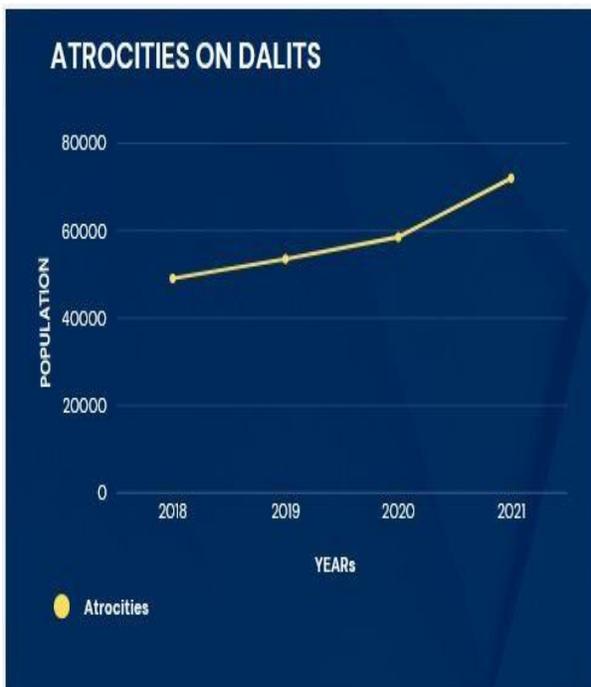


Fig 1

Three small organizations—the Ambedkar Center for Justice and Peace (ACJP), Volunteers in Service to India's Oppressed and Neglected (VISION), and the Dalit Liberation Education Trust—based in Chennai—were principally responsible for Dalit action at the UN in the 1980s<sup>29</sup>. NGOs like the Minority Rights Group (MRG) in London, which formed a Working Group on Untouchables, were approached by these groups for assistance. Activists made their case before international authorities in 1982. Dr. Laxmi Berwa likened the Dalit people's ongoing state of terror and humiliation to that of the Jewish people during Hitler's reign. At international conferences like the 1982 Osaka International Conference against Discrimination, Dalit organizations made similar appeals. Nevertheless, prominent human rights NGOs like Human Rights Watch and Amnesty International refused to back Dalit campaigners. Dalit activists spoke up once more in 1984 during the World Conference on Religion and Peace in Nairobi<sup>30</sup>. Dalit activists have been working to convince Amnesty and Human Rights Watch to adopt the caste-discrimination issue, despite NGOs and UN bodies turning down Dalit appeals and actions until the late 1990s. They have used various methods, including written appeals, telephone calls, and personal visits, to convince these organizations to adopt the issue. The director of ACJP has met with representatives from the World Health Organization, foreign affairs officers in Canada, the United States, and Europe, and has attended various United Nations-sponsored meetings, including the Vienna World Conference on Human Rights and the Beijing World Conference on Women's Rights. The first significant event took place in the U.N. Committee on the Elimination of Racial Discrimination (CERD), whose job it is to examine the states parties' periodic reports under ICERD. Article 1 of the ICERD defines "racial discrimination" to mean "any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

However, the Indian government had long maintained that caste was a social or class category "unique to Indian society and pointed to its laws removing Untouchability, outlawing caste-based discrimination, and providing reservations to Untouchables," that Article 1's "descent" terminology only referred to racial descent, and that 41 ICERD did not cover caste-based discrimination. Despite the treaty's mandate that India end all forms of nongovernmental and private discrimination in the scheduled castes and scheduled tribes' areas, the CERD censured India in 1996 for not providing enough information on the efficacy and implementation of its aid measures. India came under fire from the Committee for not providing enough details on the situation so that caste-based discrimination could be taken into consideration by the UN. Since Dalits had been asking for this for several years, Human Rights Watch issued a large study on caste-based discrimination in 1997. The recent CERD finding and growing awareness of violence against Dalits in India during the 1990s were factors in this decision. Harvard-educated attorney Smita Narula was the ideal candidate for the ground-breaking report, according to HRW, as her 1999 study Broken People: Caste Violence against India's "Untouchables" garnered a great deal of attention worldwide. In order to write the report, HRW applied for a grant from the Ford Foundation, which supported Dalits' groups in India and participated in initiatives to reduce poverty. But Human Rights Watch frequently selects "X" concerns and draws attention to them without consulting local groups or using a strategic approach. As a result, concerns become quickly forgotten, making it challenging to continue advocacy work over an extended period of time or for local NGOs to utilize the work of multinational groups. See fig 2 and 3 below





## **From National Mobilization to International Recognition**

To debate important concerns and gather information for a report, HRW organized a countrywide gathering of Dalit organizations in 1998. Ford gave a sizable gift to HRW in order to support the organization's study and encourage Dalit organizing both domestically and globally. The National Campaign on Dalit Human Rights (NCDHR), an organization that connected dozens of Dalit civil society organizations throughout fourteen Indian states, was founded as a result of this gathering. Its President was chosen to be the Untouchable Martin Macwan, a former president of the Navsarjan (New Creation) Trust located in Gujarat. A year-long petition effort to "cast out caste in the new millennium" was started by the NCDHR, which also produced a "Black Paper" detailing the current state of affairs for Dalits in India. A petition had been launched on behalf of the 240 million Dalits in India and the 260 million Dalits across Asia, asking "freedom from caste bondage". The petition asks the Indian government to uphold the Atrocities Act, which criminalizes violence against Untouchables, and the Constitution's outlawing of untouchability. Additionally, it calls on the UN to designate a Special Rapporteur on untouchability in Asia, declare untouchability a Crime Against Humanity, incorporate caste discrimination into the Convention on the Elimination of All Forms of Racial Discrimination, and back Dalit demands in UN forums. The petition asks for an international campaign to end untouchability in Asian countries. Participating Dalit activists from India, South Asia, and the Diaspora, the First World Dalit Convention was held in Kuala Lumpur, Malaysia, in October 1998. In addition to calling for the UN to declare caste prejudice to be "far worse" than apartheid, the convention also established an international Dalit secretariat. Establishing the International Dalit Solidarity Network (IDSN) in March 2000, Dalit leaders and sympathizers abroad aimed to facilitate loose coordination and information exchange between international organizations supporting the Dalit cause. Four national federations—the Buraku Liberation League in Japan, the Human Development Organization in Sri Lanka, and the Dalit NGO Federation in Nepal—makeup IDSN's main leadership. Together with seven national solidarity networks, it also consists of twelve international allies, including NGOs that work for human rights, development, and religion. The publication of HRW's Broken People report in March 1999 sparked national conferences in India and intensified the NCDHR's petition campaign. The NCDHR spent a week in New Delhi in December 1999 releasing its Black Paper, Broken Promises & Dalits Betrayed. Politicians, activists, and non-Dalits were present for the function. Dalit leaders presented the Black Paper and a sampling of the 2.5 million signatures gathered during the year-long petition drive to India's Prime Minister, Atal Bihari Vajpayee, during their meeting. NCDHR leader Martin Macwan was named one of the world's five exceptional human rights campaigners by HRW in November 2000. In addition, Macwan was granted the 2000 Robert F. Kennedy Human Memorial Rights Award, for which the Unitarian Universalist Holdeen Fund and HRW had submitted nominations. Both gatherings received a lot of media coverage in the US and Europe

and drew politicians, celebrities, journalists, and human rights advocates. Along with \$25,000 in cash, the Kennedy Award came with lobbying and promotional services from the Memorial's Washington staff, which Macwan exploited to get access to influential US politicians, State Department employees, and UN representatives.

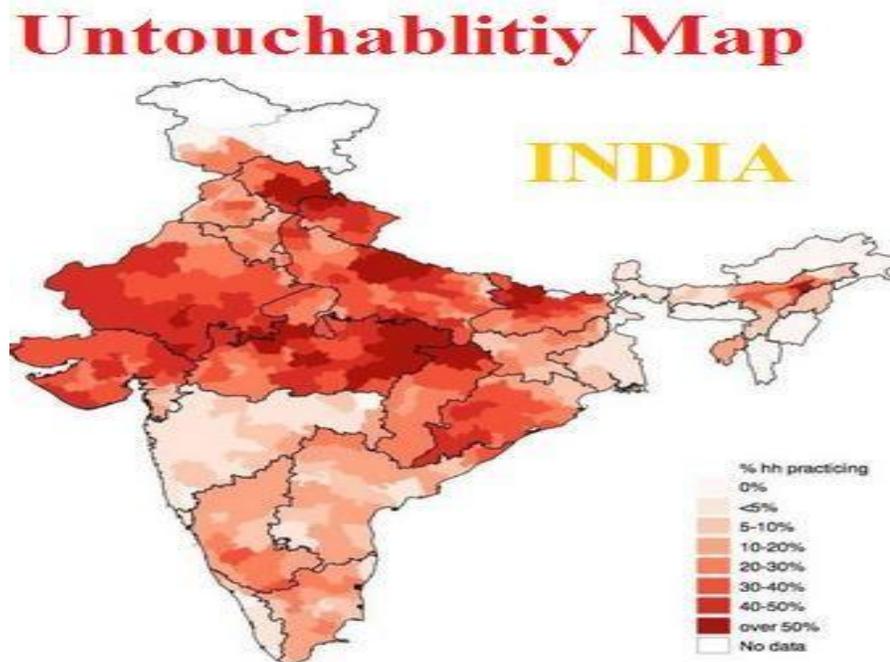


Fig 4

International human rights law forbids discrimination based on work and descent, according to a 2000 declaration made by the UN Human Rights Commission's Sub-commission for the Promotion and Protection of Human Rights. For the Dalits, who were believed to belong to an endogamous social group that had been cut off from other groups, this was a huge win. The resolution urged nations to put affirmative action policies into place and to execute them in order to put an end to this kind of prejudice. Additionally, it pushed governments to apply legal punishment against all individuals and organizations rather than only taking political action. The Sub-commission assigned Mr. Rajendra Kalidas Wimala Goonesekere the task of writing a working paper that would identify populations around the world who are impacted by this kind of prejudice, go over current legislative initiatives, and suggest additional actions to accomplish this goal. Publicly released in 2001, the Goonesekere Report made the case that discrimination on the basis of "work and descent" is illegal under international human rights law. It provided evidence of prejudice against Scheduled Castes in South Asian nations, especially Japan, and India. Additional research on discrimination in South America and Africa was also suggested by the report. Two years later, a second working paper addressed Yemeni and African communities. The research also concluded that social structures that fall under the category of "caste" are also encompassed by the term "descent," indicating that discrimination under the CERD is based on race. The term "descent" is a key element in discrimination, according to the Working Paper. A



Working Paper on Legal, Judicial, Administrative, and Educational Measures Taken by States Parties to the Convention on the Elimination of Racial Discrimination was issued in 2004. The paper also addressed the impact of work-and-descent-based discrimination on diasporas populations and offered a framework for removing it. The Sub-commission chose two special rapporteur to compile a thorough report on discrimination worldwide. In 2005, the Commission passed this resolution. The NCDHR saw the WCAR as a chance to raise awareness of India's "hidden apartheid" and persuade the Indian government to uphold its human rights commitments. NCDHR, IDSN, HRW, and other non-governmental organizations (NGOs) participated in PrepComs to include caste-based discrimination in the World Conference on Race's (WCAR) Draft Programme of Action. However, the Indian government fiercely fought these initiatives, barring foreign campaigners and financing attendance by Untouchables. Despite these techniques, IDSN persuaded state delegations from the Netherlands and Denmark to endorse legislation supporting the activists' ideas. Paragraph 73 of the Draft Programme of Action urged states to put in place constitutional, legislative, and administrative measures to prevent and address discrimination based on labor and descent. However, the Indian government obstructed discussion of Paragraph 73 at the WCAR, preventing it from being included in the conference's Final Programme of Action.

Omar Abdullah, India's Minister of State for External Affairs denounced the exaggerated and inaccurate propaganda concerning caste inequality in India before the World Conference. He underlined that the conference or the UN do not have the authority or capacity to legislate or police individual behavior in society. Despite widespread mobilization, paragraph 73 was never debated. Despite this loss, the Dalit network achieved other objectives, such as attending parallel NGO and Youth Conferences, devoting twenty paragraphs of its Final Declaration to caste oppression, and establishing new connections with human rights NGOs and racial and indigenous minorities worldwide. In 2002, CERD held a discussion on descent-based discrimination against resistance from the Indian government<sup>31</sup>. The organization maintained its view of this discrimination, which includes social stratification such as caste and inherited status structures that prevent equitable human rights enjoyment. The Dalit movement has been active in international forums, including the Netherlands, where its human rights ambassador emphasizes the necessity of equal opportunity for outcastes, tribals, and minorities. In 2003, the European Parliament requested the Commission and other EU authorities to include caste discrimination in human rights reports, promote the fight against it at the United Nations, and take real steps in political discussions, EU development and trade cooperation with India, and other nations. The NCDHR and IDSN played an important role in Dalits' participation in the global justice movement, particularly during the 2004 World Social Forum in Mumbai. Dalit activists anticipated that India's privatization and liberalization would result in employment losses in the public sector, endangering their possibilities. In response, they advocated for expanded scheduled caste reservations in the business sector. Because of the limited authority of international law, the Dalits' global agenda may have little impact on policy in these countries. After the Cold War ended, international organizations and non-governmental organizations



(NGOs) became more concerned about human rights issues. Aggressive groups, such as indigenous peoples and the physically and psychologically ill, exploited the rights "master frame" to project their grievances globally. The NCDHR and IDSN have used protest marches, manifestos, and websites to draw attention to human rights crimes against Dalits in India and around the world. They expose violent caste violence against Dalits, particularly women, as well as the vested interests of dominating non-Dalit castes. Dalit activism seeks to raise awareness and combat concerns such as surplus land distribution, minimum wage, dignity, and justice.

### **International Advocacy and Domestic Challenges Against Caste Discrimination**

However, in the 1990s, Dalit campaigners most likely benefited from a more sympathetic international climate, which highlighted Dalit abuses and degradation. The argument put up by Dalit activists is that social customs, not government inaction, are the main cause of discrimination against Dalits. The argument posits that discrimination committed by private individuals defies international action more easily than discrimination committed by state authorities *de jure*. According to them, there are two main causes: the Indian government's lax enforcement of laws safeguarding Untouchables and the involvement of state officials in these crimes. In order to shield Dalits from prejudice and violence, they claim that the government has not done enough to uphold its legal and constitutional duties. The theory contends that caste prejudice still has an impact on state actors, particularly local ones, even in the face of federal and state laws that forbid caste-based discrimination. Dalit campaigners argue that higher caste Hindu police personnel have not been able to stop crimes against them. Additionally, the argument makes the case that pressure from abroad can influence changes in India and other nations<sup>32</sup>. By acknowledging that caste-based discrimination is framed within the broader terminology of work-and-descent-based discrimination and identifying populations outside of India and the Hindu cultural sphere that suffer from this form of discrimination, the international campaign has addressed the Indian government's claim that the situation of the Dalits is unique to Indian society. Dalit campaigners have made a significant concession with this agreement. Dalit issues have been brought up in the official UN human rights debate under the heading of "descent-and work-based discrimination." This strategy has been pragmatically welcomed by Dalit activists, particularly since the Goonesekere Report brought up the Gandhi-Ambedkar controversy also about Hinduism's contribution to untouchability. Two Special Rapporteur on work-and-descent-based discrimination were appointed by the UN Commission on Human Rights in 2005; nevertheless, the IDSN Website did not use the word "work-and-descent" while reporting on this vote. Resolving discrimination based on caste is a legitimate and little-acknowledged human rights concern that impacts many civilizations, such as the Burakumin of Japan, West Africa, Ethiopia, Somalia, South Asian nations, and India. Caste prejudice affects 260 million individuals globally, while some reports claim it has stopped recently. Atrocities have increased in India, though, as a result of the rising of Dalit youth. Organizing against democratic states is more challenging for human rights initiatives than

against repressive ones. The triumph of Dalit activists underscores the significance of organizational and rhetorical elements, over which resentful factions wield considerable influence. Projecting the Dalit cause abroad has been made possible in large part by the establishment of an international network of solidarity NGOs and a national coalition of Indian NGOs.

## Transnational Advocacy Network (Dalit)

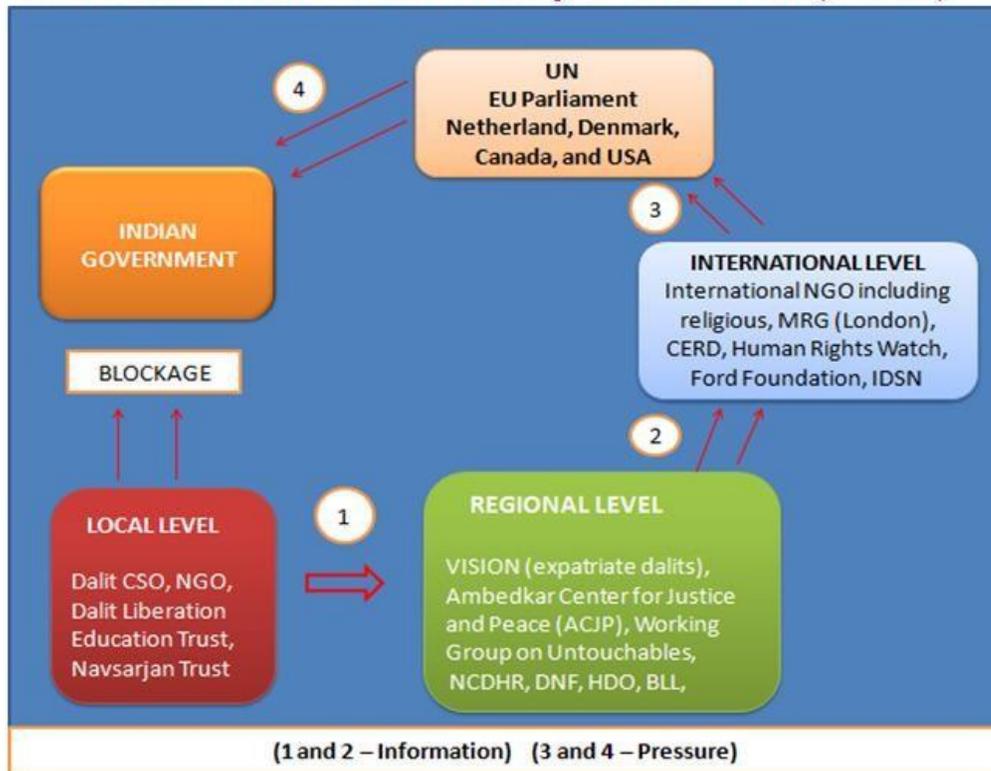


Fig 5

## CONCLUSION

To sum up, this research article explores the ongoing obstacles that Dalits must overcome to combat caste-based discrimination, using the framework of the Transnational Advocacy Network (TAN). Since its inception in the late 1990s, Dalit activism has played a major role in raising awareness of caste discrimination worldwide, especially with relation to "work and descent-based discrimination." The success of the campaign was largely due to the establishment of a strong network of Dalit organizations in India and their partnerships with global human rights organizations. Due to the inherent restrictions in legal classifications and the exclusion of vulnerable people, particularly Muslim and Christian Dalits, from "Scheduled Caste" designations, India's constitutional framework, which sought to address caste-based inequities, has had little success. This exclusion has sparked continuous discussions and legal challenges,



highlighting the necessity of reevaluating the categorization schemes to guarantee genuine inclusivity. The study makes the case that, in contrast to racial or ethnic classifications, caste discrimination is a unique generis form of human rights violation. To promote effective international lobbying, it is nevertheless imperative to differentiate discrimination based on caste from these more general categories. The study also emphasizes how crucial it is that global organizations like the UN acknowledge caste discrimination as a violation of human rights. Despite early opposition, Dalit activism has been successful in getting caste recognized under international treaties like the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Caste-based discrimination is still pervasive in Indian society even after major advancements including worldwide recognition and support from other oppressed groups. The continuous fight for equality is shown in the continuation of manual scavenging, the exclusion of Dalits from job and education, and the increase in atrocities, especially directed towards Dalit women. Dalit activists have successfully raised awareness of their cause by utilizing global networks and forums. But there are always obstacles to overcome, particularly when organizing in democratic nations like India where institutional impediments and social norms support inequality. The importance of combining grassroots and international pressure is emphasized in order to maintain the momentum in the fight against caste prejudice.

The wider ramifications for worldwide human rights movements are highlighted by this study, especially for marginalized groups hoping to gain recognition for their efforts on a global scale. Other organizations looking to put domestic issues within the framework of international human rights law can learn from the triumphs of the Dalit movement.

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