

# **Stigmatization of Dalits in Access to Water and Sanitation in India\***

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Water is synonymous with life and therefore it's the most integral and inevitable part of each individual. These disabilities are most pronounced with regard to access to water and sanitation. Caste based discriminations leading to human rights violation regarding drinking water makes it an important social issue. Thus, this paper discusses the plight of Dalits or Scheduled Castes (SCs) of India who still face multiple deprivation and discrimination with regard to access to natural resources. In rural India, access to an imperative resource like water shows differential pattern across regions, where poverty, physical separation of hamlets, ideas of purity and pollution, poor access to government welfare programmes, discrimination in access to public water bodies and structures and so on play a critical role in determining the possibilities for a humane existence.

In India, more than 20% of Dalits do not have access to safe drinking water. 48.4% of Dalit villages are denied access to water source<sup>1</sup>. Only 10% of Dalit households have access to sanitation (as compared to 27% for non-dalit households), and the vast majority of Dalits depend on the goodwill of upper-caste community members for access to water from public wells. Dalit women stand in separate queues near the bore well to fetch water till the non -Dalits finish fetching water. Dalits are disentitled and not allowed to use taps and wells located in non-Dalit area. Dalit Villages are not provided water for several days in case the Dalits resent to existing practices of discrimination.

The caste system, which has existed for more than 3000 years in India, is a traditional system of social segregation, which works on the principle of purity and pollution. The caste system has been developed, in order to maintain the superiority and the dominancy of the (Savarnas)-The dominant castes. The caste system became formalised into 4 distinct communities or identities (Varnas). Outside the Caste fold is a fifth group who were termed Panchama (fifth group), Avarna (without caste), Dasa (slave) or the Chandala (obnoxious). These were later called as the 'Untouchables' or 'Outcastes' or the 'Depressed Classes'. Later the state brought them under a list called the Scheduled Castes and envisaged provisions for their betterment in all respect but the ground level reality highlight the deep rootedness of caste system and the extent of stigmatization faced by Dalits with regard to the concept of purity and pollution. Distribution of water and control of similar resources showcases the extent of neglect and humiliation suffering by the Dalits to meet their ends.

## **Power hierarchy in access to water and sanitation**

Struggle for water is simultaneously a struggle for power. Water being a limited and imperative resource has close relationship with the three categories such as class, caste and gender, especially when it comes to that of distribution of water. At the grass root level, this striving for power is much more than a process of increasing control over the water resource and control

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<sup>1</sup> [http://www.overcomingviolence.org/fileadmin/dov/images/women\\_campaign/Dalit%20Fact%20Sheet.pdf](http://www.overcomingviolence.org/fileadmin/dov/images/women_campaign/Dalit%20Fact%20Sheet.pdf)

over the behavior of the actors involved. It has more to do with the feeling of detest towards the lower castes; in traditional Hindu setting Dalits were denied of all these facilities and were expected to work as slaves for the dominant castes. Though the Indian Constitution through Article 14 guarantees right to equality to every person irrespective of caste, creed, gender, status and religion, we are still faced with the power based hierarchal social setup coupled with problems of untouchability and discrimination.

The following figures illustrate the differences between dalits and non dalits household in respect of drinking water. 27% dalit households have water sources within premises as compared to 45.2% for the general populations. 19.5% of dalit households have access to drinking water sources away from their premises whereas it stands at 14.45 for the general population. 32.2% of dalit households have access to drinking water from tap as compared to 40.1% for the general population<sup>2</sup>.

Regarding sanitation, 23.7% of dalit households have access to latrine facility as compared to 42.3 % for general households. Only 17% of the tribal households have access to latrines which is well below the figure for general households (43.2%). Poor quality of drinking water and lack of awareness about hygiene and improved sanitation are major sources of water borne diseases amongst tribal areas. The situations with regard to household's connectivity for waste water outlet, the figures are 50.6% for general households, 42.9% for SC households and 21.8% for ST households (Source: MDGs and Dalits: A Status Report, NACDOR). There have been various studies to indicate the exclusion in relation to water services. A study carried out by Action Aid across 11 states indicates that of all the villages surveyed, denial of water services was reported in 48.4% villages.

**Case 1:** Dalits prohibited from using public well Kodikulam, a village located under the foothills of Yanamalai (elephant hill) near here, is a gifted place. It boasts of an age old public well that provides tasty water round the year. People from far and wide throng the place with cans and drums to fetch the water home. But the Dalits of the village cannot dare even to go near the well. "The SCs (Scheduled Castes) cannot go beyond this point," says a 61-year old farmer, A. Akkiveeran, pointing to a distance of about 150 metres away from the well. "They (Dalits) can ask any of us to fetch the water for them and we will oblige. But they cannot do it on their own. This practice has been there for ages and it cannot be changed," he adds with no shilly-shallying. The caste Hindus of the village, occupied predominantly by people belonging to Kallar and Moopar community, do not hesitate to talk about the discrimination of Dalits even to journalists. The well has been associated with four small temples built close to it and religious sentiments were given as a reason to keep the Dalits away from it.

"They (Dalits) will not be spared. Honeybees will sting them if they try to go near the well," says Packiam, an aged widow. Concurring with her, 26-year-old P. Suresh, a construction labourer, says: "The youngsters of our village will be in these temples all round the clock. Some of us even sleep here in the nights to prevent anyone from defiling this holy place." The well is surrounded by trees that are home to thousands of honeybees. Strangers must be careful while nearing the well as they might suffer a sting or two. The villagers have intentionally left the honeycombs untouched as it serves their purpose of discriminating the Dalits. "The bees do not

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<sup>2</sup> [http://www.wateraid.org/documents/water\\_drops\\_9.pdf](http://www.wateraid.org/documents/water_drops_9.pdf)

sting us and we will not allow anyone to clear the honeycombs,” says C. Karuthapaiyyan, a 19-year-old youth. A lawyer practising in the Madras High Court Bench here and residing at Othakadai near here says that he and many of his neighbours fetch water from that well for drinking. They travel in two-wheelers to the village, which could be accessed either through the Government Agricultural College or from the Madurai-Chennai four-lane, and bring the water filled in cans. “Once when I had gone there, some children asked me if I could give them some water to drink. I asked them why they don't take it themselves. They said they were not supposed to go there.

Then, I understood and felt very sad for the poor children. This atrocity is being practiced there for ages and nobody is able to raise their voice for the fear of earning the wrath of the dominant caste,” he says seeking anonymity. (Hindu, 30/06/2011).<sup>3</sup>

### **Infrastructure Inaccessibility:**

In their study on infrastructure of equity audit, Social Equity Watch observed that there has been a continued presence of deep-rooted caste-based inequity in the distribution and availability of infrastructure for SCs, and accordingly their accessibility to services and entitlements like water provision and sanitation. A powerful way to fence off SCs from access to the functional infrastructure facilities is to situate such facilities in the dominant caste habitations. Usually the wells will be situated in the dominant caste area. Dalit's habitations are thus left officially uncovered. This equity gap is severe in certain Gram Panchayats<sup>4</sup>. When Dalits enter these areas to access the resources the chances of clashes between two castes are high and even lead to a large scale violence. Dominant caste tries to restrict their mobility by such atrocities and there by restricting their social mobility as well. There is a point in Dalits preferring to live in habitations where their neighbours are from the same community. They still feel insecure if they move out of these habitations. This tendency only shows that urbanisation has not helped them shed the feeling of insecurity. Urbanisation is not a panacea for the problems of socially and economically deprived sections

### **Violence in access to water and sanitation**

Dalits access to water is usually on the goodwill of dominant caste. The worst and most inhumane form of discrimination and untouchability is seen when it comes to water. Most of the violence starts for the very cause as Dalits try to access the public well or hand pumps. There are numerous case studies on violence against Dalits accessing water. The deprivation of a basic human right such as water is a constant reminder of the inherent indignity of India's caste system.

**Case 2:** A Vasanthakumar, a teenage boy was not only stopped from taking water from a tap located at **Karikkilipalayam** by three women of another community but was also abused by

<sup>3</sup> [http://www.isidelhi.org.in/hrnews/HR\\_THEMATIC\\_ISSUES/Dalits/Dalits-2011.pdf](http://www.isidelhi.org.in/hrnews/HR_THEMATIC_ISSUES/Dalits/Dalits-2011.pdf)

<sup>4</sup> National Infrastructure Equity Audit – Phase 1, Briefing Paper 2, Social Equity Watch, 2011

“caste names”. “When he protested, the three women and one P Damodaran Chettiyar of dominant caste beat him up. He had to be admitted in Annur hospital, which is about 25 km away from Coimbatore. It was also reported that the village where the victim resides is reeling under extreme water scarcity,” According to the report, Dalits are prevented from cutting hair at saloons in the locality and from using mobile phones outside their huts in the area.

### **Plight of Women: related to water & sanitation**

Dalit women population is the worst affected with the lack of access to water and sanitation. Their connection with water resources is very intricate. A Dalit woman will have all the burden of household work in the family and she will be the one who is responsible to bring water to the family and therefore she is the one who will be facing discrimination at the first place. Even young girls from the family are assigned to do this job and they also face similar conditions. They even drop out from the school as collecting water from faraway distances become their primary responsibility and thereby losing any chance of being educated and earning money to the family. They will be the one who faces verbal and physical abuse from the dominant cast and they will be under constant threat while collecting water from public wells and taps. Sometimes dominant caste women don't allow Dalit women to touch the public source of water and they pour water to the pots of dalit women. So again how much water should they take back home also depends on the whims and fancies of dominant caste women. The concept of purity and pollution still dominate the thinking of people even after untouchability is abolished legally. Availability and distribution of water too has a strong relationship with the social structure. The control of water and other natural resources by dominant caste women stigmatize Dalit women and further make them feel helpless.

Access to water directly affects the health situation women and children. Lack of access to drinking water and good sanitation facilities leads to poor health thereby children drop out from school. Dalit women and dalit girls spend half their calorie intake in fetching water. Poor quality water and sanitation facilities are also the main source of communicable and other waterborne diseases. Dalits further face discrimination and marginalization while accessing health facilities and this vicious circle goes on.

**Case 3: MADURAI:** A 52-year-old Dalit woman was assaulted and humiliated, allegedly by a group of caste Hindus, in Thenpalanji village near Tirunagar here on Thursday last. Andichhi suffered major injuries on her left hand and has been admitted to the Government Rajaji Hospital. Trouble began after Ms. Andichhi's daughter in-law Bhagyalakshmi went to draw water from a hand pump. A few upper caste women stopped and abused her. Ms. Andichhi filed a complaint with the Tirunagar police station. The police arranged a peace meeting and settled the issue. On November 19, the caste Hindus, armed with sticks and logs, entered Ms. Andichhi's house and attacked her, her sons and in-laws. A fact-finding team from Evidence, a non-governmental organisation, conducted an enquiry and found that atrocities had been committed against Dalits, especially women, and demanded immediate action. Though the Tirunagar police had booked the accused under various sections of the SC/ST (Prevention of Atrocities) Act 1989, and also under the Indian Penal Code, they were yet to be arrested. Kathir,

executive director, Evidence, urged the government to give Ms. Andichhi a compensation of Rs.2 lakh. (The Hindu 25/11/09)<sup>5</sup>

### **Manual Scavenging:**

Every day 1.3 million people in India (of which more than 80% are Dalit women) are forced to clean human excrement with their bare hands (a practice called ‘manual scavenging’) for little to no wages. Of the 7, 70,338 manual scavengers and their dependents across India<sup>6</sup>, so far only 4,27,870 persons have been assisted under the National Scheme of Liberation and Rehabilitation of Scavengers (NSLRS) and the remaining number yet to be rehabilitated is 3, 42,468<sup>7</sup>. As per the Public Interest<sup>8</sup> Litigation filed in the High court of Delhi, Indian Railways managed by the Govt. of India, which employs a large number manual scavengers who clean human excreta is a violator of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act of 1993. Despite recommendations from the ILO Expert Committee on Conventions regarding Convention no. 111 in 2002 which looked into questions related to manual scavenging, this pernicious practice still continues. Access to sanitation is in a complete denial for these people as they have to do these menial jobs with their bare hands and they have higher risk of occupational illness and health hazards.

### **Access to water & sanitation: discriminatory practices in disaster relief measures & rehabilitation**

The most brutal and inhumane discriminatory practices are witnessed during disaster relief measures. Dalits are discriminated in relief camps, distribution of relief measures. Even for basic needs like water and food in the camp they are under the whims and fancies of dominant caste. If Dalits resents, there are violent physical attacks.

Very recently on 01/01/2012 there was a brutal attack on Dalits settlement in Kizlsathamangalam village of Pondicherry, India, unleashed by the dominant caste people of the Melsathamangalam village. Nearly 100 Dalits’ houses were attacked by 300 upper caste members using swords and other sharp and deadly weapons. Many Dalit houses were broken and properties like house, van, televisions, grinding machines, vessels and Motor cycles were damaged or set on fire. This problem started to clash between the two sections of people to getting water. The water is demanded after the Thane Cyclone hit the Pondicherry.<sup>9</sup>

The right to housing includes access to adequate housing, along with rights to security and privacy and access to rights such as clean water, sanitation, healthy workplace environments, and

<sup>5</sup> ([http://www.isidelhi.org.in/hrnews/HR\\_THEMATIC\\_ISSUES/Dalits/Dalits2009.pdf](http://www.isidelhi.org.in/hrnews/HR_THEMATIC_ISSUES/Dalits/Dalits2009.pdf))

<sup>6</sup> *Annual report of the Ministry of Social Justice and Empowerment (Government of India 2009), The highest number of manual scavengers was in Uttar Pradesh (2,13,975), followed by Madhya Pradesh (81,307), Maharashtra (64,785), Gujarat (64195), Andhra Pradesh (45,822) and Assam (40,413).*

<sup>7</sup> *Annual Report of the Ministry of Social Justice and Empowerment, 2009*

<sup>8</sup> *The Writ Petition {W.P.(C) -845/2011} in the Delhi High court on the Indian Railways.*

<sup>9</sup><http://atrocitiesnews.wordpress.com/2012/01/05/give-blood-take-water-caste-violence-on-dalits-settlement-in-cyclone-hit-pondicherry/>

information regarding health. In forced evictions and demolitions, the authorities neglect these basic entitlements. Based on the study conducted by NCDHR, it brought to notice that on 28 July 2011, the Municipal Corporation of Delhi (MCD) demolished the houses of 15 Dalit families who had been living in the Karol Bagh area for the past 60 years. The residents, about 80 members of the Valmiki community (a scheduled caste), had been living on the demolished land for over 60 years. The community is comprised of societies most vulnerable, including poor pregnant women and children, the elderly, the sick and the disabled. Not only basic civic amenities like access to water and sanitation were denied but also there were no steps taken for rehabilitation for the aforesaid displaced people.

### **Nation level mechanisms**

Despite tall claims and concerns about the importance of providing adequate drinking water to all citizens, allocations to the urban water and sanitation sector have never crossed even 2% of the Plan funds of the Government of India since independence. In April 2002, a new National Water Policy was announced in India. Each state in India is obliged to formulate its own water policy within two years of the national policy. The policy make a blanket statement as water should be provided to all but there are no specific measures mentioned to address discriminatory practices and atrocities follow with access to water.

In India, there are various judicial pronouncements which reassert the rights of all to access water but still the situations of Dalits remain the same. Courts in India have interpreted Right to clean drinking water as embodied in Article 21 of the Constitution of India.<sup>10</sup> The National Commission of India has recommended that a new Article be added in the Constitution that provides “every person shall have the right to safe drinking water.”<sup>11</sup> Rights to access water must be accompanied by corresponding duty on the State to provide clean drinking water to the citizens. In *State of Karnataka v State of Andhra Pradesh* (2000) the Court held that the right to water is a right to life, and thus a fundamental right.

In *Narmada BachaoAndolan v Union of India* (2000) it was held that 'water is the basic need for the survival of human beings and is part of the right to life and human rights'.

### **Access to water & privatization**

The visible threats from corporatization of drinking water would be many such as water price hikes, water mining and bulk exports, monopolistic water markets, sub standard water quality, community ownership of water resource is threatened, corruption and lack of transparency. As a case study, if we look into the Shivanath river project (Chhattisgarh), the first case of river privatization in India with total expected cost of Rs 256 crore had terrible outcomes such as supplying water at the rate of Rs.12.60/liter to industries and to railways, people denied access for fishing and bathing, news reported case of this privatized river slowly drying up, a monopoly on the water supply in the radius of 18 km, government announced the scheme is constitutionally illegal and later they revoked the contract (<http://www.aidindia.org/main>).

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<sup>10</sup>[http://www.sustainabledevelopment.in/presentations/pdf/devaki\\_panani.pdf](http://www.sustainabledevelopment.in/presentations/pdf/devaki_panani.pdf); see also: <http://www.cess.ac.in/cesshome/wp%5CWater.pdf>

<sup>11</sup>[http://www.sustainabledevelopment.in/presentations/pdf/devaki\\_panani.pdf](http://www.sustainabledevelopment.in/presentations/pdf/devaki_panani.pdf)

Here, the crucial decisions about water privatization between donors and the governments are made behind closed doors and without the knowledge of the citizens, especially the marginalized Dalits whose small pieces of land with water sources are often appropriated for constructing national highways, etc. or forced to be sold for petty amount to corporate companies. Neither the donors (the World Bank or the IMF) nor borrowing governments disclose information about loan agreements and conditionalities. This is contrary to Principle 10 of the Rio Declaration, (Rio Dec, Principle 10: Environmental issues are best handled with the participation of all concerned citizens, at the relevant level) that entitles individuals to access information and judicial proceedings, as well as the chance to be involved in decision-making.

There is an urgent need for strong legislations in all the caste discriminated countries in South Asia that recognizes drinking water as one of the livelihood rights priorities. As far as India is concerned, amend the SC/St (Prevention of Atrocities Act, 1989) to include discrimination and violence against Dalits regarding the right to drinking water. A dialogue with governments, relevant UN bodies, the private sector, local authorities, national human rights institutions, CSOs and academic institutions needs to be promoted and sustained with a view to identify, promote and exchange views on best practices related to access to safe drinking water and sanitation. Preparation of a compendium of best practices including non-discrimination obligations, in relation to access to safe drinking water and sanitation along with a right's based approach is a very urgent and essential step to be taken to guarantee their basic rights.

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**\*This submission was made by Hannah Johns at the *Human Rights Council in September 2012***

*The UN Special Rapporteur on the human right to safe drinking water and sanitation, Ms. Catarina de Albuquerque has multiple times shown that she is committed to addressing discrimination against Dalits and the situation of sanitation workers, including manual scavengers, in connection with her mandate. Two recent developments show this commitment: a call for input to a thematic study on stigmatization in access to water and sanitation, and the publication of a book on good practices (based on last year's thematic study). IDSN and members have been involved in both processes, where there is a clear focus on Dalits and the consequences of caste discrimination. Hannah from NCDHR prepared a submission on the stigmatization of Dalits in India (see link below). The issue of stigmatization was discussed in the Human Rights Council in September, where Ms. de Albuquerque presented her report on the stigma experienced by many vulnerable and excluded groups, including Dalits.*